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SENATE

S.B. No. **3313**

Introduced by Senator EDGARDO J. ANGARA

EXPLANATORY NOTE

A nation will not achieve its full cultural, economic and political potential if its people do not have a sense of history. Without a unifying past, our people will be relegated to thinking like disconnected tribes.

In order for our country to move forward, it is imperative that our people remember the past that brought us together as a nation. At the cusp of the age of globalization, cultural and economic homogeneity threatens those who do not remember their common ideals and the triumph of their legacy. Cultural annihilation waits for those who do not have a sense of history.

It is not enough that history is studied in the university as it is now required by law. More importantly, there is a need to convey and connect our history with the lives of our people if we are to benefit from the lessons of the past.

It is every government's goal to make history relevant, so that having planted it in its citizens, the country becomes proud of its heritage, strong in its identity, and become unified as a nation.

The National Historical Institute was established to articulate these goals by initiating and implementing programs relevant to historical research and popularization of history. However, its charter is a decade old, more or less. There is a need to ensure that this agency continues to achieve its obligation to make history relevant, popular and a dynamic source of inspiration. Without creating new offices, there is a need to strengthen and streamline the agency. In order to adapt to contemporary development, there is also a need to clarify the agency's mandate and powers with the end in view of strengthening its resources, expanding the scope of its beneficiaries, and clarifying its role in relation to other cultural agencies.

For these reasons, the passage of the bill is earnestly requested.


EDGARDO J. ANGARA

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AN ACT
CHANGING THE NOMENCLATURE OF THE NATIONAL HISTORICAL
INSTITUTE INTO NATIONAL HISTORICAL COMMISSION OF THE
PHILIPPINES, STRENGTHENING ITS POWERS AND FUNCTIONS, AND FOR
OTHER PURPOSES

Be it enacted in the Senate and House of Representatives of the Philippines in the Congress assembled:

1 SECTION 1. *Short Title.* – This Act shall be known as "National Historical
2 Commission of the Philippines Act".

3
4 SEC. 2. *Declaration of Policy.* – It is hereby declared to be the policy of the State
5 to conserve, promote and popularize the nation's historical and cultural heritage and
6 resources. The Constitution likewise mandates that all the country's artistic and historic
7 wealth constitutes the cultural treasure of the nation and shall be under the protection of
8 the State which may regulate its disposition.

9
10 Towards this end, the State shall provide means to strengthen people's
11 nationalism, love of country, respect for its heroes, and pride for the people's
12 accomplishments by reinforcing the importance of Philippine national and local history in
13 daily life; reinvigorating government support for historical research; and sustaining
14 programs for the protection, preservation and conservation of historical artifacts,
15 monuments, sites and other historical resources.

16
17 The State shall likewise give utmost priority not only to the research on history
18 but also to the popularization of history. This way, the State will be able to build a
19 Philippine national identity based on unity and pride in diversity held together by a
20 common history.

21

1 SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms
2 shall be defined as follows:

3
4 (a) *Built Heritage* refers to architectural and engineering structures, such as,
5 but not limited to, bridges, government buildings, houses of ancestry, traditional
6 dwellings, technological and industrial complexes, and their settings, and landscapes with
7 notable historical and cultural significance;

8
9 (b) *Classified* refers to structures and sites marked and listed as such and
10 recorded in the National Historical Institute’s National Registry of Historic Structures,
11 and not falling under any of the five categories of historic sites and structures, namely:
12 National Shrines, National Monuments, National Landmarks, Heritage Houses, and
13 Historic Sites;

14
15 (c) *Conservation* refers to all the processes and measures of maintaining the
16 cultural significance of a cultural property, including but not limited to, preservation,
17 restoration, reconstruction, protection, adaptation or any combination thereof;

18
19 (d) *Documentation* refers to the recording in a permanent format of
20 information derived from conservation activities;

21
22 (e) *Heritage Houses* refer to houses of ancestry with notable historical,
23 cultural, social, architectural and artistic value and significance;

24
25 (f) *Historic Site* refers to natural area or place recognized to have important
26 historical significance;

27
28 (g) *Historical Street Name* refers to a street name which has been in existence
29 for at least fifty (50) years;

30
31 (h) *History* refers to the record of people, places and events in the past; it can
32 also mean the discipline involving the study of people, places and events in the past;

33
34 (i) *History Museum* refers to a museum or gallery associated with historical
35 events, personages and places;

36
37 (j) *Historical Research* refers to the scholarly investigation of people, places,
38 and events in the past;

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(k) *Historical Writing* refers to the coherent, narrative and scholarly documentation of people, places and events in the past;

(l) *National Historical Landmarks* refer to sites or structures that are associated with events or achievements significant to Philippine History;

(m) *National Historical Monuments* refer to structures that honor illustrious persons or commemorate events of historical value;

(n) *National Historical Shrines* refer to historical sites or structures hallowed and revered for their history or association;

(o) *National Registry of Historic Structures* refers to the registry of all historic sites and structures of the country;

(p) *Preservation* refers to the protection of cultural property through activities that minimize chemical and physical deterioration and damage and which prevents loss of informational content; and

(q) *Restoration* refers to the action taken or the technical intervention to correct deterioration and alterations.

SEC. 4. *Renaming of the National Historical Institute.* – The nomenclature of the National Historical Institute (NHI), established pursuant to Presidential Decree No. 1, series of 1972, is hereby changed to National Historical Commission of the Philippines (NHCP).

The NHCP shall be an independent agency attached to the Office of the President.

SEC. 5. *General Mandate.* – The NHCP shall be responsible for the conservation, promotion and popularization of the Philippine historical heritage and resources by undertaking all kinds of research relating to Philippine national and local history; encourage historical educational activities for the popularization of Philippine history; implement dissemination programs regarding historical events; and manage and safeguard the improvement and restoration of national shrines, monuments, historical sites, edifices of significant cultural value and landmarks.

1 The NHCP shall likewise assume jurisdiction over all matters relative to historical
2 studies and popularization of Philippine history, including the survey and documentation,
3 establishment, development and maintenance of historic sites and structures.
4

5 SEC. 6. *The Board.* – The NHCP shall be governed by a seven-(7) member
6 Board, which shall be created to formulate and implement policies relating to the national
7 historical landmarks, treasures and resources.
8

9 SEC. 7. *Powers and Functions of the Board.* — The Board of the NHCP shall
10 exercise the following powers and functions:
11

12 (a) Conduct all manners of research pertaining to Philippine national and local
13 history;

14
15 (b) Acquire important historical documents, collections, memorabilia and
16 other objects that have significant historical value;

17
18 (c) Purchase real property, buildings and other structures that are of
19 significant historical and enduring value;

20
21 (d) Determine the manner by which historical sites will be identified,
22 maintained and preserved, and place appropriate historical markers to
23 these historical sites;

24
25 (e) Identify, reconstruct, restore, preserve and maintain documents and other
26 historical artifacts important to Philippine history;

27
28 (f) Plan, organize traditional, or initiate new celebrations or commemorations
29 pertaining to Philippine history;

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31 (g) Initiate and promote programs such as the integration of the subject on
32 history into the school curriculum, among others, for the popularization of
33 Philippine history;

34
35 (h) Implement and enforce the Flag law and other special laws where the
36 NHCP has been designated as the implementing body;

37

- 1 (i) Secure and receive local, bilateral and international donations, grants and
2 endowments in support of its programs and projects;
3
4 (j) Develop and implement consortium agreements to link other government
5 agencies and/or private individuals and organizations engaged in or in
6 support of the mandate of the NHCP;
7
8 (k) Regulate activities inimical to the preservation and conservation of
9 historical property or resources;
10
11 (l) Advise the President on matters pertaining to Philippine history;
12
13 (m) Generate resources from government or private sources, local or
14 international for its operation;
15
16 (n) Collect reasonable fees for use, sale or rent of its resources as well as
17 entrance fees to parks which the NHCP has the duty to maintain;
18
19 (o) Create committees or deputize individuals for projects that the NHCP
20 wishes to undertake; and
21
22 (p) Conduct public hearings and ocular inspections or initiate factual
23 investigations with respect to disputed historical issues for the purpose of
24 declaring official historical dates, places, and personages.
25

26 SEC. 8. *Composition of the Board.* – The Board shall be composed of the
27 following:

- 28
29 (a) The Executive Director of the National Library of the Philippines;
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31 (b) The Executive Director of the National Museum;
32
33 (c) The Executive Director of the National Archives of the Philippines; and
34
35 (d) Four (4) distinguished historians representing the private sector to be
36 appointed by the President of the Republic of the Philippines.
37

1 The Chairperson of the Board shall be elected by the members from among the
2 regular members of the Board.

3
4 **SEC. 9. *Qualifications of Members of the Board.*** – No person shall be appointed
5 or elected to the Board unless he/she possesses following minimum qualifications:

- 6
7 (a) A natural born citizen of the Republic of the Philippines;
8
9 (b) At least thirty-five (35) years of age;
10
11 (c) Has good moral character;
12
13 (d) Has distinguished himself/herself in the field of Philippine history;
14
15 (e) Has published works in Philippine history and other academic expertise
16 recognized by scholars and the reading public.

17
18 **SEC. 10. *Term of Office.*** – The members of the Board shall serve for a term of
19 four (4) years and shall not serve for more than two (2) consecutive terms. Appointment
20 to any vacancy shall only be for the unexpired term of the predecessor and in no case
21 shall a member be appointed or designated in a temporary or acting capacity.

22
23 **SEC. 11. *The Executive Director.*** – The executive director shall implement
24 policies and programs approved by the Board and manage and supervise the operation of
25 the NHCP.

26
27 The executive director shall be appointed by the President of the Republic of the
28 Philippines. He/She shall have a rank equivalent to a bureau director.

29
30 **SEC. 12. *Functions of the Executive Director.*** – The executive director shall
31 have the following functions:

- 32
33 (a) Implement the policies and programs promulgated by the NHCP Board;
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35 (b) Take charge of the day to day administration and management of the
36 NHCP;
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38 (c) Represent the NHCP in meetings; and

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(d) Perform such other functions as may be necessary.

SEC. 13. *The Deputy Executive Directors.* – The executive director shall be assisted by a deputy executive director for Administrative Affairs and a deputy executive director for Special Programs.

The deputy executive directors shall be appointed by the Board.

SEC. 14. *Qualifications of the Executive Director and Deputy Executive Directors.* — No person shall be appointed or designated as executive director and deputy executive directors of the NHCP unless he/she possesses the following minimum qualifications:

(a) A natural born citizen of the Republic of the Philippines;

(b) Has good moral character;

(c) Holder of any four-(4) year degree, preferably in history, political science, or public administration, or information management;

(d) Has at least ten (10) years of actual and relevant experience in managing a government agency in the case of the executive director and five (5) years experience in the case of the deputy executive directors; and

(e) Has career executive service officer eligibility.

SEC. 15. *Delegation of Authority.* – The executive director shall have authority over and responsibility for the operation of the NHCP. He/She may delegate such authority to the deputy executive directors to implement plans and programs. The delegation shall be in writing; shall indicate the name of specific officer to which the delegation is made; shall indicate the duties and responsibilities delegated; shall indicate the length of period of delegated authority; and shall vest sufficient authority to enable the delegate to discharge his/her assigned responsibility.

SEC. 16. *Reorganization.* – Within one hundred twenty (120) days from the effectivity of this Act, the Board shall have the authority to reorganize the structure of the NHI, including its staffing pattern in order to carry out its functions.

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Employees of the NHI shall be subsumed in the NHCP and, whenever qualified, be upgraded to their analogous positions. Employees opting to avail of an early retirement scheme shall be granted under the existing DBM guidelines.

SEC. 17. *Historic Sites and Structures Documentation Center.* – A Historic Sites and Structures Documentation Center (HSSDC) shall be established within the NHCP, replacing the existing Survey and Documentation Section, which shall be tasked to undertake the survey, identification, documentation, and recommendation for the declaration of historic structures and edifices such as national shrines, monuments, and landmarks or heritage houses by the NHCP Board and the maintenance of national registry of historic structures.

SEC. 18. *Local Historical Committees Network.* – The existing work of the NHCP on historical society affiliations shall constitute the Local Historical Committees Network (LHCN). The LHCN shall monitor, coordinate, support and upon approval of the Board, affiliate various local historical bodies engaged in the collection, documentation, popularization and preservation of extant historical materials found in different parts of the Philippines. It shall also record the oral histories of towns, cities, provinces and regions.

SEC. 19. *Materials Research Conservation Division.* – The Materials Research Conservation Center of the NHCP shall be renamed as Materials Research Conservation Division (MRCD). Aside from its regular functions, it shall provide consultancy services to collectors of historical objects that are considered valuable components of Filipino heritage to ensure that preservation and conservation techniques and procedures are in accordance with the accepted international standards set in protecting historical objects and materials.

The MRCD shall enrich and update knowledge on restoration and preservation techniques by conducting scientific research on these techniques to ensure the conservation of Filipino cultural heritage. It shall likewise establish linkages between the Philippines and various international bodies engaged in the scientific preservation of historical and cultural objects.

SEC. 20. *Tax Exemption on Donations.* – All donations in any form to the NHCP shall be exempt from the Donor's Tax and the same shall be considered as allowable deduction from the gross income in the computation of the income tax of the

1 donor, in accordance with the provisions of the National Internal Revenue Code of 1997,
2 as amended.

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4 SEC. 21. **Funding Provision.** – The amount necessary for the effective
5 implementation of this Act shall be included in the annual General Appropriations Act.

6

7 SEC. 22. **Transitory Provisions.** – The incumbent executive director and deputy
8 executive director of the NHI shall continue to serve in their respective capacity as the
9 executive director and deputy executive director of the herein established NHCP for one
10 (1) year after the effectivity of this Act or until a new executive director shall have been
11 appointed by the President and the two (2) new deputy executive directors shall have
12 been appointed by the Board.

13

14 All assets, fixed and movable, and all contracts, records and documents relative to
15 the operations of the NHI are hereby transferred to the NHCP.

16

17 All agreements and contracts entered into by the NHI shall remain in full force
18 and effect unless otherwise terminated, modified or amended by the NHCP.

19

20 Officials and employees of the NHI shall be absorbed by the NHCP on the basis
21 of merit and fitness: *Provided*, That officers and employees who shall be separated from
22 the service as a result of the abolition of any of the divisions therein, shall be entitled to
23 retirement and other separation benefits provided under existing laws.

24

25 SEC. 23. **Implementing Rules and Regulations.** – The NHCP, in consultation
26 with the other government agencies mentioned in this Act, shall promulgate the
27 implementing rules and regulations within ninety (90) days after the effectivity of this
28 Act.

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30 SEC. 24. **Separability Clause.** – If any provision of this Act is held invalid or
31 unconstitutional, the same shall not affect the validity and effectivity of the other
32 provisions thereof.

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34 SEC. 25. **Repealing Clause.** – Pertinent provisions of Presidential Decree No. 1,
35 series of 1972 and all other laws, decrees, executive orders and rules and regulations
36 contrary to or inconsistent with the provisions of this Act are hereby repealed or modified
37 accordingly.

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1 SEC. 26. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

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4 Approved,