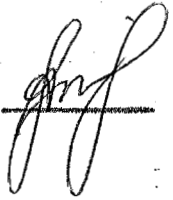


THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P12:19

RECEIVED BY: 

SENATE

S. No. 54

Introduced by Senator Juan M. Flavier

EXPLANATORY NOTE

1 This bill aims to protect and preserve our cultural heritage by laying down
2 comprehensive and relevant policy directives. To achieve this goal, this bill mandates
3 the enlistment of the widest aggrupation of agencies and offices in the work of
4 preserving and promoting our cultural heritage.
5

6 The National Commission for Culture and the Arts (NCCA) with its affiliate cultural
7 agencies such as the Cultural Center of the Philippines, Records Management and
8 Archives Office, National Historical Institute, National Library, National Museum, and the
9 Komisyon sa Wikang Filipino, and for the purposes of this Act, the National Commission
10 for Indigenous Peoples, the Department of Environment and Natural Resources,
11 Department of Interior and Local Government, the Office of Muslim Affairs and the
12 Autonomous Regional Government in Muslim Mindanao are some of the agencies
13 deemed in this bill to be assuming responsibilities in the promotion, protection and
14 preservation of our cultural heritage.
15

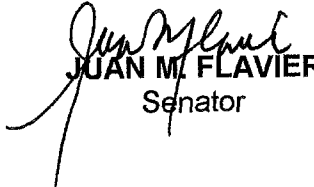
16 To facilitate the work of identifying and protecting the country's cultural heritage,
17 the bill lays down categorization of properties related to our cultural heritage. Historical
18 zones are also proposed to be set up in line with preservation and protection efforts.
19

20 Various incentives are also being laid down in this bill, aimed at making the task
21 of preserving and promoting our cultural properties easier for all sectors in Philippine
22 society.
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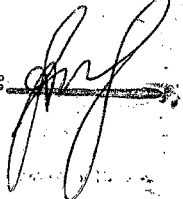
A cultural heritage Trust Fund is also being proposed to be set up, which will primarily be used in the preservation of our cultural heritage. Finally, penalties through penal provisions are provided for in the bill to make implementation efforts effective.

Early approval of this bill is earnestly sought.


JUAN M. FLAVIER
Senator

04 JUN 30 2004

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY: 

SENATE

S. No. 54

Introduced by Senator Flavier

**AN ACT
PROVIDING FOR THE PROTECTION AND PRESERVATION OF PHILIPPINE
CULTURAL HERITAGE AND FOR OTHER PURPOSES**

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

CHAPTER I

PRELIMINARY CONSIDERATIONS

Section 1. Short Title. – This Act shall be known as the “Philippine Cultural
Heritage Act of 2004.”

Sec. 2. Declaration of Policies. – It is hereby declared to be the policies of the
State:

- a) To protect, preserve, conserve and promote the nation’s cultural heritage, its
property and histories, and the ethnicity of local communities;
- b) To establish and strengthen cultural institutions; and
- c) To protect cultural workers and assure their professional development and
well-being.

Sec. 3. Definition of Terms. – For purposes of and as used in this Act, the
following terms shall be taken and understood in the sense indicated hereunder:

- 1 (a) **Adaptive Re-use** - using a building of cultural value for a purpose different
2 from that for which it was intended originally, in order to conserve the site
3 especially its architectural integrity;
- 4 (b) **Anthropological Area** – any place where studies of specific ethno-linguistic
5 groups are undertaken, the property of which are of value to Philippine
6 cultural heritage;
- 7 (c) **Antique** – a cultural property that is at least 100 years old. A significant
8 cultural property that is less than 100 hundred years old but is no longer
9 produced, and has flourished representing a characteristic historical period,
10 shall also be considered an antique;
- 11 (d) **Archaeological Area** – any place, whether above ground or underground,
12 underwater or at sea level, containing fossils, artifacts and other cultural,
13 geological, botanical, zoological materials which depict and document
14 culturally relevant paleontological, prehistoric and/or historic events;
- 15 (e) **Archives** – public and private records which have been selected for
16 permanent preservation because of their evidential, historical informational
17 value; otherwise known as archival materials/collections or archival holdings;
18 the place (building/ room/storage area) where archival materials are kept and
19 preserved; and an organization or agency or part thereof whose main
20 responsibility is to appraise, arrange, describe, conserve, promote and make
21 archival materials available for reference and research, also known as
22 archival agency;
- 23 (f) **Commission** – refers to the National Commission for Culture and the Arts
24 (NCCA) with its affiliate cultural agencies, which includes but not limited to the

1 Cultural Center of the Philippines, Records Management and Archives Office,
2 National Historical Institute, National Library, National Museum, and the
3 Komisyon sa Wikang Filipino, and for the purposes of this Act, the National
4 Commission for Indigenous Peoples, the Department of Environment and
5 Natural Resources, Department of Interior and Local Government, the Office
6 of Muslim Affairs and the Autonomous Regional Government in Muslim
7 Mindanao, shall be considered cultural agencies;

8 (g) **Conservation** – all the processes and measures of looking after a place,
9 artifacts, and ecofacts so as to retain its cultural significance; it includes
10 maintenance and may, according to circumstances, include preservation,
11 restoration, reconstruction and adaptation or any combination thereof;

12 (h) **Cultural Education** - is the teaching and learning of essential cultural
13 concepts and processes;

14 (i) **Cultural Heritage** – the totality of cultural property preserved and developed
15 through time and passed on to posterity;

16 (j) **Cultural Heritage Zone** – refers to historical, anthropological, archaeological,
17 artistic geographical areas and settings that are culturally significant to the
18 country, the context of which needs to be preserved. It includes within its
19 comprehension, cultural space;

20 (k) **Cultural Institution** – refers to cultural agencies and all other entities
21 engaged in cultural work;

22 (l) **Cultural Heritage Worker** – an individual undertaking cultural heritage work;

23 (m) **Cultural Property**– refers to all forms of human creativity by which a people
24 and a nation reveal their identity, including such natural history specimens

1 and sites, with cultural significance, which may be owned publicly or privately,
2 and shall either be tangible or intangible;

3 1) **Tangible Cultural Property** – is a cultural property which may either be
4 movable or immovable; antique or newer but of rarity, with historical,
5 anthropological, archaeological value and national history, museum
6 specimen with significant value, exceptional or traditional rendition
7 threatened by extinction whether of Philippine origin or not but held legally
8 within the Philippines;

9 2) **Intangible Cultural Property** –peoples' learned processes along with the
10 knowledge, skills and creativity that inform and are developed by them,
11 the products they create and the resources, spaces and other aspects of
12 social and natural context necessary for their sustainability; these
13 processes provide living communities with a sense of community with
14 previous generations and are important to cultural identity, as well as to
15 the safeguarding and cultural diversity and creativity of humanity;

16 (n) **Cultural Space**- an anthropological concept defined as a place where
17 popular and traditional cultural activities are concentrated, or a period of time
18 involving a degree of periodicity, either cyclical, seasonal or annual, or a
19 particular event or physical space that owes its existence to the cultural
20 events that traditionally take place there;

21 (o) **Dealers**– refers to galleries and other commercial establishments, agents and
22 other individuals dealing and engaging in cultural property for gain or profit;

23 (p) **History** – is a record of past events whether in prehistoric times or historic
24 times;

- 1 (q) **Historical Monument and Site** – a place or setting where a significant
2 development or event occurred, categorized as Historical Shrine, Historical
3 Monument and Historical Landmark;
- 4 (r) **Historical Zones** - places where important historical events occurred which
5 are significant to a province, city, municipality or country;
- 6 (s) **Important Cultural Property**– are those which have been singled out from
7 among the innumerable cultural property as having exceptional historical and
8 cultural significance to the Philippines, but are not sufficiently outstanding to
9 merit the classification of “national cultural treasures”;
- 10 (t) **Library** – collection of books, computerized information, and other materials
11 organized to provide physical, bibliographic, and intellectual access to a
12 target group, with a staff that is trained to provide services and programs
13 related to the information needs of the target group;
- 14 (u) **Local Government Units** – refers to the provinces, cities and municipalities,
15 barangays, including the autonomous regions;
- 16 (v) **Museum** – a permanent institution in the service of cultural development and
17 open to the public; and which researches, acquires, conserves,
18 communicates and exhibits for purposes of study, education and enjoyment,
19 material evidences of man and his society and its development and is open to
20 the public;
- 21 (w) **National Cultural Treasure** – is a unique, tangible or intangible, object found
22 locally, possessing outstanding historical, cultural, artistic and/or scientific
23 value which is highly significant and important to the country and nation, and
24 officially declared as such by pertinent cultural agency;

- 1 (x) **Natural History Research** – a biological study in the area of systematics,
2 including the collection of specimens of both flora and fauna as well as
3 astronomy, geology and paleontology;
- 4 (y) **Natural Property of Cultural Significance** – ecological features, such as
5 seashores, the seabed and other submarine areas, and other places of
6 scenic beauty which possesses a high value from the point of view of art or
7 visual appreciation and similar spots with historical or ritual value; and other
8 archaeological sites; animals and plants, as well as their habitats; geologic
9 features where peculiar natural phenomena is seen and possessing high
10 scientific value;
- 11 (z) **Reconstruction** – returning of the existing fabric of a place, artifacts and
12 ecofacts to a known or earlier state by removing accretions or by
13 reassembling existing components;
- 14 (aa) **Registry** – the official listing of Philippine Cultural Property;
- 15 (bb) **Renovation** – is work carried out on a heritage site or object without regard to
16 the possibilities of restoration or reconstruction. Usually, it is the imposition of
17 a value, principle, functions, esthetics and materials, original to the site or
18 object; and
- 19 (cc) **Restoration** – returning of the existing fabric of a place, artifacts and ecofacts
20 to a known or earlier state by removing accretions inconsistent with historical
21 progression or by reassembling existing components without the introduction
22 of new materials;

23 CHAPTER II

24 CULTURAL PROPERTY CATEGORIES

1 **Sec. 4. Categories.** – The Cultural Property of the country which are either
2 publicly or privately owned, and tangible or intangible, shall be categorized as follows
3 according to degree of importance:

- 4 (a) National Cultural Treasure;
- 5 (b) Important Cultural Property;
- 6 (c) Autonomous Region Cultural Property
- 7 (d) Provincial Cultural Property
- 8 (e) City/Municipal Cultural Property
- 9 (f) Barangay Cultural Property

10 The cultural agency concerned shall prescribe the necessary rules and
11 regulations for the classification of cultural property for the above categories

12 **Sec. 5. National Cultural Treasure and Important National Property and**
13 **other Kinds of Cultural Property-** The Important National Cultural Property shall
14 include the following:

- 15 a) National geological wonders;
- 16 b) National historical monuments;
- 17 c) National historical shrines;
- 18 d) National historical sites;
- 19 e) National register holdings;
- 20 f) Works by a *Manlilikha ng Bayan*;
- 21 g) Works by a National Artist; and
- 22 h) Forms of intangible heritage

23 The cultural agency concerned shall prescribe the necessary rules and
24 regulations for the nomination and designation of cultural property under these

1 categories. The cultural agency concerned shall regularly review the aforementioned
2 Important Cultural Property to determine if any can qualify for designation as a National
3 Cultural Treasure. All previously declared National Cultural Treasures are adopted and
4 hereby recognized and shall maintain their status as such, unless otherwise
5 reclassified.

6 **Sec. 6. National Cultural Treasure's Privileges.** – Cultural property
7 designated as National Cultural Treasures shall be entitled to the following privileges:

- 8 a) Government funding for protection, conservation and restoration;
- 9 b) Incentive for private support of conservation and restoration through the
10 Commission's Conservation Incentive Program for National Cultural Property;
- 11 c) An official Heritage Marker to be placed by the cultural agency concerned
12 indicating that the property has been identified as a cultural property; and
- 13 d) In times of war, civil unrest and natural disasters, all National Cultural
14 Treasures shall be given priority protection by the Government.

15 CHAPTER III

16 CULTURAL HERITAGE ZONES

17 **Sec. 7. Historical Zone.** – The local government units in coordination with the
18 National Historical Institute and the Commission shall designate Historical Zones to
19 protect the historical integrity of said geographical areas.

20 **Sec. 8. Maintenance of Historical Zones.** – A Historical Zone shall be
21 maintained by the local government as much as practicable in its physical appearance
22 during the period when the place was of most importance to Philippine Cultural History
23 as determined by pertinent cultural agencies. In this regard, the following guidelines
24 shall be adopted:

- 1 a) Implementation of adaptive re-use of buildings and sites and other forms of
2 sustained conservation;
- 3 b) Appearance of streets, parks, monuments, buildings, natural bodies of water,
4 canals, paths and barangays within a Historical Zone shall be maintained as
5 closely to their appearance at the time the area was of most importance to
6 Philippine Cultural History. Renaming of streets shall reflect contemporary
7 sentiments and historical events; and
- 8 c) Local government units shall document traditional celebrations, historical
9 battles and other local customs that are unique to a Historical Zone, and
10 sustain the popularity of the celebrations, the recreation of battles, the
11 reenactment of customs as part of the local cultural programs.

12 **Sec. 9. Designation of Cultural Space.** – The local government units, in
13 coordination with the Cultural Center of the Philippines and the Commission shall
14 designate cultural space to protect intangible cultural property of the community.

15 **Sec. 10. Documentation of Traditional and Contemporary Arts.** – The local
16 government units shall as far as practicable, document traditional and contemporary
17 arts including but not limited to crafts, handicrafts, performances – their raw materials,
18 products, processes and makers within the cultural space.

19 The local government units shall encourage and sustain traditional arts and crafts
20 as active and viable sources of income for the community.

21 The Commission, the Department of Trade and Industry, the Department of
22 Tourism and other government agencies involved directly or indirectly in the production
23 of goods shall assist the local government units in protecting their traditional and

1 contemporary arts and crafts as well as making them viable for current and future
2 markets.

3 CHAPTER IV

4 REGISTRATION OF CULTURAL PROPERTY

5 **Sec. 11. *Registration of Cultural Property*** – All cultural property of whatever
6 class or category, regardless of ownership shall be registered with the proper authorities
7 upon the effectivity of this Act. Government agencies and instrumentalities, government-
8 owned and/or controlled corporations and their subsidiaries shall register such property
9 within three (3) years upon effectivity of this Act. Private collectors, museums and
10 galleries, and owners of private cultural property shall register such property within five
11 (5) years upon effectivity of this Act.

12 **Sec. 12. *Initial Inventory***. – The cultural agency concerned shall undertake
13 initial inventory, evaluation and documentation of cultural property in continuous
14 coordination with the local government unit. The cultural property thus identified will be
15 marked according to their category by the cultural agency concerned. A registry of
16 cultural property in the city, municipality and provincial level shall be kept by the cultural
17 agency concerned and a copy thereof shall be furnished to the local government unit
18 having territorial jurisdiction of the said cultural property. The cultural agency concerned
19 and the local government shall continuously coordinate in making entries and
20 monitoring the various Cultural Property therein located.

21 **Sec. 13. *National Registry of Cultural Property***. – A National Registry of
22 Cultural Property shall be established and maintained by the Commission, which shall
23 contain the registry maintained by the local government units and cultural agencies.

1 **Sec. 14. *Non-Divestment of Ownership.*** – The private collectors and owners of
 2 cultural property shall not be divested of their possession and ownership thereof even
 3 after registration of said property as herein required. They shall continue to use and
 4 enjoy such property for lawful purposes.

5 **Sec. 15. *Presumption of Use of Public Funds.*** – All cultural property in the
 6 possession of the government or any of its agencies and instrumentalities upon the
 7 effectivity of this Act shall be presumed to have been acquired with the use of public
 8 funds or through donations. Accordingly, the beneficial ownership of said property shall
 9 pertain to the State and the possession thereof shall be subject to the pertinent rules
 10 and regulations prescribed by the cultural agency concerned.

11 **CHAPTER V**

12 **PROTECTION OF CULTURAL PROPERTY**

13 **Sec. 16. *Conservation, Restoration and Reconstruction of Cultural***
 14 ***Property.***

15 a) All measures on conservation, restoration and reconstruction of National
 16 Cultural Treasures, Important Cultural Property, Autonomous Region Cultural
 17 Property, Provincial Cultural Property, City/ Municipality Cultural Property and
 18 Barangay Cultural Property shall be undertaken only upon prior approval and
 19 with the supervision of the Commission through the cultural agency
 20 concerned;

21 b) The private owners shall endeavor to establish working arrangements with
 22 the Commission and other cultural agencies and/or other entities that
 23 administer cultural property with the primary aim of preserving the integrity of
 24 the property;

- 1 c) In the reconstruction of a place or structure, introduction of new materials
2 having the same property as the original is allowed, or in extreme cases when
3 original materials are no longer available, the use of entirely different material.
4 Replacement of material is allowed when this affects structural stability and
5 will not detract from the aesthetic appreciation of the building;
- 6 d) With respect to the conservation and restoration of monuments and sites, the
7 recommendations of national and international bodies involved in such
8 activities shall be sought and incorporated in the respective conservation and
9 restoration plans; and
- 10 e) When the presence of any immovable cultural property of great significance is
11 confirmed through documentation to be in danger, the Commission and the
12 other agencies responsible shall immediately suspend all activities that will
13 affect the site. The local government unit which has the jurisdiction over the
14 site where the immovable cultural property is located shall report the same to
15 the Commission immediately upon discovery and shall promptly adopt
16 measures to secure the integrity of such immovable cultural property. The
17 suspension of the activities shall be lifted only upon the written authority of the
18 appropriate cultural agency.

19 **Sec. 17. Anthropological Research and Archaeological Exploration/
20 Excavation.**

- 21 a) The National Museum shall take charge of regulating and controlling any
22 foreign anthropological research and local and foreign archaeological
23 excavation/exploration.

- 1 1) All cultural property in archaeological context belong to the State and may
2 be the subject of expropriation;
 - 3 2) No archaeological excavations for the purposes of obtaining materials and
4 data of cultural value shall be undertaken except with the written authority
5 and supervision of the National Museum;
 - 6 3) No research in an anthropological area where the principal proponent is a
7 foreign national for the purpose of obtaining materials and data of cultural
8 value shall be undertaken except with authority, coordination with and
9 supervision by the National Museum; and
 - 10 4) No archaeological or anthropological item may leave the country without
11 the evaluation and written permission of the National Museum.
- 12 b) When the presence of any cultural property is discovered, the cultural
13 agencies responsible thereof shall immediately suspend all activities that will
14 affect the site and shall immediately notify the LGU having jurisdiction of the
15 place where the discovery was made. The local government shall promptly
16 adopt measures to protect and safeguard the integrity of the cultural property
17 so discovered and within seven (7) days from the discovery shall report the
18 same to the National Museum. The suspension of the activities shall be lifted
19 only upon the written authority of the National Museum after the systematic
20 recovery of the archaeological materials.
- 21 c) The National Museum shall make provisions for incentives for persons who
22 shall discover and report heretofore-unknown archaeological sites.
- 23 d) Any government or non-government infrastructure project or architectural site
24 development shall include anthropological, archaeological, historical and

1 heritage site conservation in their environmental impact studies. For this
2 purpose, one percent of the total budget of the program/project shall be held
3 in reserve to underwrite the cost of the study.

4 **Sec. 18. *Immovable National Cultural Treasures.*** – National Cultural
5 Treasures, which are immovable, shall not be relocated, rebuilt, defaced or otherwise
6 changed in a manner, which would destroy the property's dignity except to save such
7 property from destruction due to natural causes.

8 **Sec. 19. *Systematic Research in Natural History.*** – The National Museum
9 has the authority to collect, maintain and develop the national reference collections of
10 types of Philippine flora and fauna, rocks and minerals through research and field
11 collection of specimens including important Cultural Property within the territorial
12 jurisdiction of the Philippines. The National Museum shall inform the Department of
13 Environment and Natural Resources of such collection.

14 **Sec. 20. *Renaming of Historical Streets, Buildings Designated as Cultural***
15 ***Treasure or Property.*** – No historical streets, parks, buildings, shrines, landmarks,
16 monuments and sites designated as National Cultural Treasures or Important Cultural
17 Property shall be renamed except upon written application and approval of the National
18 Historical Institute through the Commission.

19 **Sec. 21. *Power to Inspect.*** – The cultural agencies concerned through the
20 Commission is hereby given the power to inspect listed National Cultural Treasures,
21 Important National Cultural Property at any time to ensure the protection and integrity of
22 such cultural items identified under the National Registry. They may also inspect public
23 or private collections or objects that may be categorized as cultural property.

1 **Sec. 22. Power to Deputize the Philippine National Police (PNP), National**
2 **Bureau of Investigation (NBI) and the Armed Forces of the Philippines (AFP). –**

3 The cultural agencies concerned, through the Commission shall deputize local or
4 national law enforcement agencies, including the AFP, to enforce the provisions of this
5 Act and its implementing Rules and Regulations. The PNP, NBI and AFP shall, upon
6 the request of the Commission, detail their respective personnel to protect the cultural
7 items under the National Registry.

8 **Sec. 23. Eminent Domain.** – The Commission may exercise eminent domain on
9 a registered site, subject to availability of funds. If a registered site is a property of the
10 government, the cultural agencies concerned through the Commission may undertake
11 emergency repairs and maintenance work with due notification to the government
12 agency or unit having possession or ownership of the registered site.

13 **Sec. 24. Cultural Property Tax.**- Provinces, cities and municipalities, through
14 their respective *Sanggunians* may levy a Cultural Property tax of $\frac{1}{4}$ of 1% on the
15 assessed value of the real property such as lands, buildings, machinery and other
16 improvements within their respective jurisdictions.

17 Collections from this Cultural Property Tax shall be used exclusively for any of
18 the following purposes:

- 19 1. Restoration, reconstruction and preservation of designated local cultural
20 property;
- 21 2. Local cultural education programs;
- 22 3. Restoration and maintenance of cultural heritage zones;
- 23 4. Organization, support and assistance to local historical and cultural clubs and
24 associations; and

1 5. Restoration and preservation of designated Important Cultural Property within
2 their localities.

3 **CHAPTER VI**

4 **DEALINGS OF CULTURAL PROPERTY**

5 **Sec. 25. Licensing of Dealers of Cultural Property.** – a) All dealers of cultural
6 property shall secure a license to operate as such from the appropriate cultural agency
7 concerned. They shall submit a quarterly inventory of items carried, which shall include
8 a history of each item. Failure to submit two (2) consecutive inventories shall be a
9 ground for cancellation of the license. All dealers of Cultural Property shall be subject to
10 inspection of the cultural agencies.

11 b) The cultural agencies may charge and collect fees for registration as well
12 as for licenses, inspections, certifications, authorizations and permits that they issue
13 and undertake in connection with the implementation of this Act. Funds generated from
14 these collections by cultural agencies shall be retained by the cultural agency
15 concerned for its operations.

16 **Sec. 26. Dealings of Cultural Property.** No cultural property shall be sold,
17 resold or taken out of the country without first securing a clearance from the cultural
18 agency concerned.

19 **CHAPTER VII**

20 **RESPONSIBILITY OF CULTURAL AGENCIES**

21 **Sec. 27. Responsibilities of Cultural Agencies for Designation of Cultural**
22 **Property.** – The cultural agencies, conformably with their respective charters, shall
23 define and delineate upon consultation among themselves their respective areas of
24 responsibility with respect to cultural property and assessment of National Cultural

1 Treasures. These areas shall be subject to periodic reassessment whenever
2 necessary. For purposes of this Act, the following shall comprise the responsibilities of
3 cultural and other agencies for the categorization of cultural property:

4 a) The **Cultural Center of the Philippines (CCP)** shall be responsible for cultural
5 property pertaining to the performing arts;

6 b) The **Records Management and Archives Office (RMAO)** shall be responsible
7 for records, documents and archival materials;

8 c) The **National Library (TNL)** shall be responsible for rare and contemporary
9 books, periodicals, newspapers, singly or in collection, and libraries and
10 electronic records;

11 d) The **National Historical Institute (NHI)** shall be responsible for movable and
12 immovable cultural property that pertain to Philippine Political History with written
13 records;

14 e) The **National Museum (NM)** shall be responsible for movable and immovable
15 cultural and natural property of significance that pertain to collections of Fine
16 Arts, Archaeology, Anthropology, Botany, Geology, Zoology and Astronomy;

17 f) The **Department of Tourism (DOT)** shall be responsible for cultural education
18 among tourism services, and protection of cultural property supplemental to the
19 jurisdiction of the cultural agencies as defined in this Act. The implementation
20 and creation of a tourism master plan shall be consistent with this Act;

21 g) The **Komisyon sa Wikang Filipino** shall be responsible for the propaganda and
22 promotion of a national Filipino language and the conservation of ethnic
23 language;

- 1 h) The **National Commission on Indigenous Peoples** acting through indigenous
2 cultural communities shall coordinate with the National Agencies on matters
3 pertaining to Cultural Property under its jurisdiction;
- 4 i) The **Department of Environment and Natural Resources** shall be responsible
5 designating Cultural Property under its jurisdiction;
- 6 j) The **Department of the Interior and Local Government** shall coordinate with
7 the National Agencies on matters pertaining to Cultural Property under its
8 jurisdiction, and ensure that the provisions of this Act is properly executed by the
9 Local Government Units;
- 10 k) The **Office of the Muslim Affairs** shall coordinate with the National Agencies on
11 matters pertaining to Cultural Property under its jurisdiction; and
- 12 l) The **Autonomous Regional Government in Muslim Mindanao (ARMM)** and
13 the **Cordillera Autonomous Region (CAR)** shall coordinate with the National
14 Agencies on matters pertaining to Cultural Property under their respective
15 jurisdictions.

16 **Sec. 28. Role of LGUs on Provincial/Community Cultural Property.** – Except
17 for the barangays, local government units may file their application of nomination for
18 Important Provincial, City or Municipal Cultural Property by means of a certified
19 resolution passed by their respective local government councils.

20 **Sec. 29. Incorporation of Cultural Property Programs in LGU Budgets.** –
21 The local government units shall incorporate programs and budgets for the conservation
22 and preservation of Important Cultural Property in their environmental, educational and
23 cultural activities.

1 government representatives for inspection, shall not be hindered except on reasonable
2 cause.

3 Fees, as prescribed by the cultural agency concerned, may in appropriate cases
4 be charged to defray cost of conservation, inclusive of general maintenance and
5 upkeep. In the case of privately owned monuments and sites, the National Historical
6 Institute shall arrange with the owners the schedules of visits and regular inspection.

7 CHAPTER XI

8 CULTURAL HERITAGE TRUST FUND

9 **Sec. 37. Cultural Heritage Trust Fund.** A Cultural Heritage Trust Fund is
10 hereby established exclusively for the protection and preservation of National Cultural
11 Treasures and other important cultural property to be administered by the Commission.
12 Contributions shall be the following:

- 13 1) The amount of One Hundred Twenty Million Pesos (120,000,000) from the net
14 earnings of the Philippine Amusement and Gaming Corporation, through a
15 monthly contribution of Ten Million Pesos (P10,000,000) for twelve (12) months,
16 as seed capital;
- 17 2) Proceeds from fees for registration of cultural property; and
- 18 3) Donations from local and international sources.

19 For purposes of raising funds for the maintenance and restoration of cultural
20 property, the Commission may sponsor fund raising activities that promote culture.

21 CHAPTER XII

22 VIOLATIONS AND PENALTIES

23 **SEC. 38. Violations.** – The following acts and omissions shall constitute
24 violations of this Act which shall be penalized with the sanctions prescribed therein:

- 1 a) Unjustified failure to report the ownership and possession of cultural property
2 and register the same as required under Section 11 hereof;
- 3 b) Use of private cultural property for purposes contrary to law or in a manner
4 inimical to national interest or state policy as declared in this Act;
- 5 c) Unauthorized acquisition by a public official of cultural property with the use of
6 public funds;
- 7 d) Unauthorized exportation of national cultural treasures outside the country to
8 the prejudice of national interest;
- 9 e) Any alteration, modification, construction or infrastructure work around or in
10 the vicinity affecting immovable national cultural treasures without the written
11 permission of the cultural agencies concerned;
- 12 f) Relocation of immovable national cultural treasures and the building of
13 structures or undertaking of activities that detract from the property's dignity
14 or introduce anything that will pose structural instability;
- 15 g) Dealing in cultural property without a license issued by the cultural agency
16 concerned;
- 17 h) *Modifying, altering, repairing, defacing, or destroying the original features of*
18 *any historical monument or site, or causing any damage on registered cultural*
19 *property without a written permit from the cultural agency concerned;*
- 20 i) Unauthorized occupancy of important cultural property or the use thereof by
21 any private entity or government agency for resettlement purposes;
- 22 j) Undertaking archaeological excavations to obtain materials and data of
23 cultural value without written permission and supervision of the National
24 Museum;

- 1 k) Undertaking anthropological research with a foreign national as the principal
2 proponeht to obtain materials and data of cultural value without the written
3 permission and supervision of the National Museum;
- 4 l) Exportation of any archaeological, anthropological and item of important
5 cultural significance, including rare traditional ethnographic items, without the
6 evaluation and written permission of the National Museum;
- 7 m) Unjustified failure by the local government official or officials concerned to
8 adopt measures to protect and safeguard the integrity of cultural property
9 including those accidentally discovered during archaeological excavation, and
10 to report such discovery to the National Museum;
- 11 n) Unjustified failure by dealers in cultural property to submit two (2) consecutive
12 inventories as required herein;
- 13 o) Theft or vandalism of a National Cultural Treasure or an important National
14 Cultural Property found among the collections or sites of the cultural agency
15 concerned or other government office or instrumentality; and
- 16 p) Undertaking biological research by a foreign national to obtain materials of
17 scientific value without written permission from the National Museum in
18 coordination with the Department of Environment and Natural Resources and
19 other pertinent government agencies.

20 **SEC. 39. Penal Provisions. –**

- 21 a) Any person found guilty of violating this Act shall be punished with *prison*
22 *correccional* with minimum and maximum period of two (2) years, four (4)
23 months and one (1) day to six (6) years imprisonment. In addition, the
24 objects, items or materials attempted to be concealed from registration or

1 intended to be exported or excavated in violation of this Act or used for
2 unlawful purposes shall be forfeited in favor of the cultural agency concerned.
3 If a foreign national commits the violation, the penalty imposable shall include
4 deportation after service of sentence, forfeiture of the property in favor of the
5 Commission and payment of damages. In case the violation is committed by
6 an organization, the head of the organization and person directly liable shall
7 be the subject of the sanctions;

8 b) Any violation of this Act by a cultural worker who has access to public cultural
9 property shall be considered an aggravating circumstance under the Revised
10 Penal code. In addition, to the above-prescribed penalty, the guilty party shall
11 be meted the punishment under Article 226 of the Revised Penal Code and
12 shall be sentenced to suffer the disqualification to hold public office.

13 CHAPTER XIII

14 FINAL PROVISIONS

15 **Sec. 40. Separability Clause.** – If any section or provision of this Act is
16 declared unconstitutional or invalid, the other provisions or sections not affected thereby
17 shall remain in full force and effect.

18 **Sec. 41. Repealing Clause.** – All other laws, decrees, executive orders, rules
19 and regulations or parts thereof inconsistent with the provisions of this Act are hereby
20 repealed, amended or modified accordingly

21 **SEC. 42. Effectivity** – This Act shall take effect after fifteen (15) days after its
22 publication in the Official Gazette or in at least two (2) newspapers of general
23 circulation.

Approved,