

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

SENATE  
OFFICE OF THE SECRETARY

'04 SEP 20 P 3:10

SENATE

RECEIVED BY:                     

Senate Bill No. 1792

Introduced by Senator Madrigal

### EXPLANATORY NOTE

It is the State's policy under the 1987 Constitution to foster the preservation, enrichment, and dynamic evolution of a Filipino National Culture based on the principle of unity in diversity in a climate of free artistic expression. Further, it is constitutionally mandated that, all the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the protection of the State which may regulate its disposition (Article XIV, Section 16, 1987 Constitution).

In light of the two cited Constitutional Provisions, the Supreme Court, in the case of Manila Prince Hotel vs. GIS (67 SCRA 408) eloquently stated that –

...In its plain and ordinary meaning, the term patrimony pertains to heritage. When the Constitution speaks of national patrimony, it refers not only to the natural resources of the Philippines, as the Constitution could have very well used the term *natural resources*, but also to the cultural heritage of the Filipinos.

Sadly, however, despite the existence of laws on cultural heritage and patrimony, we are made to continue witnessing the onslaught of modernization and so-called "progress" – to the prejudice sites and structures which have unique architectural characteristics, artistic and *historical significance*.

Apropos thereto, this bill seeks to enforce the constitutional mandate to protect our country's artistic and historic wealth by the establishment of a "National Landmarks Register" (NLR). Whereby, the said register shall identify all culturally and historically significant sites and supervise all works on the same. It shall also provide incentives for the restoration, preservation, and adaptive reuse of such sites and to penalize destruction, defacement or alteration without appropriate permit and clearance.

Further, this bill also proposes to create an endowment fund to spur study and research on the preservation, restoration, conservation of culturally and historically significant sites and structures.

In view of the foregoing, the immediate approval of this bill is earnestly requested.

  
M.A. MADRIGAL

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**AN ACT  
CREATING AND ESTABLISHING THE NATIONAL LANDMARKS  
REGISTER AND FOR OTHER PURPOSES**

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “National  
2 Landmarks Register Act of the Philippines.”

3 SEC. 2. *Declaration of Policy.* – The State shall pursue policies to identify and  
4 preserve distinctive and architectural characteristics of the country which represent  
5 elements of the nation’s cultural, economic, social, political and architectural history.

6 SEC. 3. *Declaration of Principles.* – The State shall pursue a policy of  
7 protecting the rapidly vanishing structures and cultural landscape which constitutes  
8 the patrimony of the nation. To achieve this end, it shall be the policy of the State to:

9 (a.) Recognize built heritage as a representation of a facet of Philippine  
10 culture that blends artistic principles with practical purpose;

11 (b.) Preserve built heritage as part of the nation’s tangible culture for the  
12 enjoyment of all generations and foster pride in Filipino artistry,  
13 ingenuity, and heritage;

14 (c.) Regulate the disposition of structures and cultural landscapes; and

1 (d.) Recognize a greater communal right without prejudice to the right of  
2 individual ownership.

3 SEC. 4. *The National Landmarks Register.* – The National Historical Institute  
4 (NHI) and the National Landmarks Register Special Commission (NLRSC) to be  
5 created under this Act shall establish the National Landmarks Register, which shall  
6 establish a list all properties with any of the following characteristics:

- 7 (a) Historical Importance;
- 8 (b) The social significance of the property for which it has become a focus  
9 of spiritual, political, or national cultural sentiment;
- 10 (c) Distinct architectural style;
- 11 (d) Architectural significance;
- 12 (e) The work is identified as one by a National Artist, or master builder,  
13 designer, architect, landscape architect, whose individual work has  
14 influenced the development of the country, province, city or  
15 municipality;
- 16 (f) The work is the embodiment of the highest technological engineering  
17 or construction expertise of an era;
- 18 (g) The structure or work must be suitable for conservation, preservation,  
19 restoration or reconstruction; or
- 20 (h) Other significant characteristics to be determined by the NHI.

21 The NHI and the National Landmarks Register Special Commission shall  
22 prepare and develop said list within six (6) months from the effectivity of this Act. A  
23 copy of the said register upon its completion shall be submitted to Congress.

24 SEC. 5. *Establishment of National Landmarks Register Special Commission.* –  
25 There is hereby established a National Landmarks Register Special Commission;  
26 hereinafter referred to as the Commission. The Commission shall be composed of  
27 seven (7) members, with the Chairman and Four (4) other members coming from the

1 various non-government conservation organizations and other related organizations,  
2 including but not limited to professional organizations for architects, engineers, artists  
3 and such other professionals. The two (2) remaining members of the Commission  
4 who shall serve in an ex-officio capacity shall be the Executive Directors of both the  
5 NHI and the National Museum respectively.

6 The Commission shall be attached to the NHI as an agency. The Chairman  
7 and private sector members of the Commission shall be appointed by the President of  
8 the Philippines and shall serve for a respective term of three (3) years. The  
9 Commission shall be constituted not more than thirty (30) days from the approval of  
10 this Act.

11 SEC. 6. *Certificate of Appropriateness.* – Before any action affecting the  
12 exterior, interior, engineering and architectural appearance and structure of any  
13 landmark or property included in the National Landmarks Register is undertaken, the  
14 owner or beneficial possessor of the said property shall secure a certificate of  
15 appropriateness from the NHI. The NHI in consultation with the National Museum  
16 shall develop and issue the appropriate standards and implementing guidelines  
17 governing the certificate of appropriateness within sixty (60) days from approval of  
18 this Act.

19 SEC. 7. *Protection of Listed Sites.* – All listed sites shall be entitled to the  
20 protection of the State against demolition, deterioration, destruction, or any  
21 unwarranted alteration that results in loss of the character, distinct architectural,  
22 aesthetic, technological, historical and social value of the property thereof.

23 SEC. 8. *Visitorial Powers.* – The NHI is hereby given the power to inspect  
24 listed sites at anytime to ensure the protection and integrity of such landmarks  
25 identified under the register.

26 SEC. 9. *Power to deputize the Philippine National Police (PNP) and the*  
27 *National Bureau of Investigation (NBI).* – The NHI, in coordination with the

1 Department of Interior and Local Government (DILG) and the Department of  
2 Justice, respectively shall have the authority to deputize local or national law  
3 enforcement agencies to enforce the provisions of this Act including its Implementing  
4 Rules and Regulations.

5 SEC. 10. *National Landmarks Endowment Fund.* – The National Landmarks  
6 Endowment Fund (NLEF) is hereby established for purposes of implementing of the  
7 provisions and purposes of this Act. It shall be composed of the following: Seed capital  
8 from the Philippine Amusement and Gaming Corporation (PAGCOR) in the  
9 amount of One Hundred Million Pesos (P100,000,000.00);

10 (a) Grants from government corporations such as the GSIS, SSS and  
11 others, to be given at their discretion; and

12 (b) Donations from private persons or corporations.

13 The said fund shall be administered, supervised and managed by the NHI.

14 SEC. 11. *Penalty.* – The destruction, demolition, restoration, renovation or  
15 any change or alteration from the original structure, or any construction work on a  
16 structure by the owner or possessor of the property listed in the National Landmarks  
17 Register, without the certificate of appropriateness or written authority from the NHI  
18 shall be penalized by imprisonment for six (6) months to one (1) year, or a fine of  
19 One Hundred Thousand Pesos (P100,000.00) for each act, in violation of this  
20 provision.

21 SEC. 12. *Privileges of owners of registered works.* – The owners of listed sites  
22 who undertake the preservation, conservation, restoration or renovation of their  
23 property included in the National Landmarks Register shall be entitled to income tax  
24 credits equivalent to the value added tax paid on the materials and labor used in the  
25 said undertaking.

26 SEC. 13. *Appropriations.* – For the initial implementation of this Act, the  
27 amount of Fifty Million Pesos (P50,000,000.00) shall be appropriated. Thereafter,

1 the NHI shall submit to the Department of Budget and Management the appropriate  
2 budgetary appropriation to ensure the implementation of this Act.

3 SEC. 14. *Repealing Clause.* – All laws, decrees, rules and issuances or parts  
4 thereof inconsistent with the provisions of this Act are hereby repealed or modified  
5 accordingly.

6 SEC. 15. *Separability Clause.* – If for any reason, any provision of this Act is  
7 declared unconstitutional or invalid, such sections or parts not affected thereby shall  
8 remain in full force and effect.

9 SEC. 16. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after  
10 its full publication in at least two (2) newspapers of general circulation.

Approved,