

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

7 JUL -4 1930

SENATE
S.B. No. 1090

RECEIVED BY: _____

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to protect, preserve, conserve, recognize and identify significant landmarks in the country and ensure the preservation of the same for future generations.

Section 15, Article XV of the 1987 Philippine Constitution states that the State shall conserve, promote and popularize the nation's historical and cultural heritage and resources, as well as artistic creations.

Pursuant to this policy, Republic Act No. 7356 otherwise known as the Law Creating the National Commission for Culture and the Arts was enacted in 1992 to formulate policies for the development of culture and arts, implement these policies in coordination with affiliated cultural agencies, coordinate the implementation of programs of these affiliated agencies, administer the National Endowment Fund for Culture and Arts (NEFCA), encourage artistic creation within a climate of artistic freedom, develop and promote the Filipino national culture and arts, and preserve Filipino cultural heritage. Part of the National Commission on the Culture and the Arts' mandates is to conserve and promote the nation's historical and cultural heritage by supporting and promoting the establishment and preservation of cultural and historical monuments, markers, names and sites.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) lists as World Heritage Sites in the Philippines the following: Baroque Churches of the Philippines, including San Agustin Church, Intramuros, Manila; Paoay Church, Paoay, Ilocos Norte; Nuestra Señora de la Asuncion (Santa Maria) Church Santa Maria, Ilocos Sur; Santo Tomas de Villanueva (Miag-ao) Church, Miag-ao, Iloilo, Historic Town of Vigan, Puerto-Princesa Subterranean River National Park, Rice Terraces of the Philippine Cordilleras and the Tubbataha Reef Marine Park. On the other hand, some of the cultural and historical landmarks in the Philippines include: Andres Bonifacio Monument, Chinatown Binondo District in Manila, Corregidor Island in Mariveles, Bataan, EDSA Shrine, Emilio Aguinaldo Shrine, Far Eastern University in the City of Manila (*largest ensemble of Art Deco structures in the Philippines*) Fort Santiago in Intramuros, Manila, Heritage City of Vigan in Ilocos Sur, Intramuros Walled City in Manila, Lapu-lapu Monument, Las Piñas Bamboo Organ in Las Piñas City, Magellan's Cross in Cebu City, Magellan's Monument, Malacanang Palace, Manila Cathedral and San Agustin Church in Intramuros, Manila, Marcella Agoncillo National Landmark, San Agustin Church in Paoay, Ilocos Norte, Rizal Shrine and Santo Tomas Church in Miagao, Iloilo, declared a UNESCO World Heritage Site in 1973.

There is valid reason to believe that there are still landmarks and historical sites that have yet to be identified, preserved and protected for future generations. The lack of funds for this purpose prevents the government from fulfilling its task to preserve and conserve the Filipino historical and cultural heritage and resources. Despite the presence of the State policy and the implementing law, legislation is still needed to provide a more focused approach to vigorously pursue the identification, preservation and protection of national landmarks and historical sites. This proposed measure aims to respond to that need thru the National Landmarks Council.

Under this bill, . national landmark are sites, structures, properties and landscapes, whether natural or manmade, designated as such by national legislation pursuant to procedures prescribed herein, that are worthy of rehabilitation, restoration and preservation because of their historic, cultural and architectural significance to Philippine society;

This proposed law aims to establish and maintain a National Landmark Register to administer and oversee the listing of sites therein, as well as conduct public consultations to determine which sites, places, cultural landscapes or other such built heritage shall be included therein. Likewise, the National Landmarks Endowment Fund is hereby created exclusively for the purpose of conservation, restoration, preservation, reconstruction and protection of national landmarks, and all activities pursuant thereto.

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



LOREN LEGARDA
Senator

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AN ACT
PROVIDING FOR THE PROTECTION, PRESERVATION AND RESTORATION OF
NATIONAL LANDMARKS, ESTABLISHING THE NATIONAL LANDMARKS
COUNCIL FOR THE PURPOSE, PROVIDING FUNDS THEREFOR, AND FOR
OTHER PURPOSES

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

SECTION 1. Short Title. This Act shall be known as the "National Landmarks Conservation Act of 2007"

SECTION. 2. Declaration of Principle. - It shall be the policy of the state to conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations. 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. Pursuant to the mandate of the Constitution, the State shall hereby undertake endeavors that embody the various facets of Philippine culture.

SECTION. 3. Definition of Terms. For the purposes of this law, the following terms are defined:

1. Architectural Style is the mode of the landmark which distinguishes the same from designs and craftsmanship of other periods, types, methods of construction, such as the use of indigenous materials;
2. Cultural significance is the extreme beauty, unique location or singular physical characteristic which makes the same recognized as a national icon;
3. Historical Importance is the attribute of a landmark which makes the same a significant part of the national or local history, as may be determined by the National Historical Institute, or as independently declared by the Council as mandated under this Act;
4. National Landmark are sites, structures, properties and landscapes, whether natural or manmade, designated as such by national legislation pursuant to procedures prescribed herein, that are worthy of rehabilitation, restoration and preservation because of their historic, cultural and architectural significance to Philippine society;

5. Technological, engineering or construction expertise is the attribute of the landmark which embodies the highest technology or craftsmanship of an era; and,
6. Utilitarian structure is the unique framework for which the landmark is known, such as but not limited to farmhouses or other vernacular architecture, gas stations, stadia, warehouses, commercial structures, lighthouses, and other such structures with a high level of architectural significance.

SECTION 4. National Landmarks Council. The National Landmarks Council, herein after referred to as the Council, is hereby created as an attached agency of Department of Tourism to establish and implement policies for the protection, preservation, conservation, recognition and identification of significant landmarks. The Council shall act as the lead agency in the development of such landmarks, in cooperation with concerned government and non-government agencies.

SECTION 5. Composition of the Council. The Council shall be composed of the following members who shall hold the corresponding positions:

- a. The Secretary of the Department of Tourism, in his ex-officio capacity as Chairman of the Council;
- b. The Chairman of the National Commission for Culture and the Arts (NCCA) in his ex-officio capacity as Vice Chair;
- c. The Chairman of the National Historical Institute (NHI), in his ex-officio capacity as Secretary;
- d. The Secretary of the Department of Interior and Local Government (DILG), in his ex-officio capacity as member;
- e. The Executive Director of the National Museum, in his ex-officio capacity as member;
- f. The Executive Director of the Council, who shall be appointed under this Act, as member;
- g. The Chairman of the Commission for Cultural Heritage of the United Nations Educational Scientific Cultural Organization (UNESCO), as member; and,
- h. Four (4) members from the private sector who shall be appointed by the President from bonafide concerned non-government organizations, including professional associations, based on competence and expertise in the field of culture, arts, heritage and Philippine history.

The non ex -officio members of the Council shall serve their term for six (6) years and shall receive per diem for actual attendance in the meetings of the Council, subject to pertinent government rules on accounting auditing; Provided, that, the Council shall meet at least once a month.

The members of the Council may receive other allowances and reimbursements relative to their functions, duties and responsibilities as members of the Council, subject to pertinent government rules on accounting auditing, and to rates in accordance with existing laws.

SECTION 6. Powers and Functions of the Council. The Council shall have the following powers and function:

- a. Establish a Secretariat under the Executive Director for the implementation of policies and administrative operations;
- b. Set up a system of networking, coordination and nationwide implementation of preservation, conservation, restoration of landmarks and other policies through the respective local government units, in coordination with private sector organizations;
- c. Generate resources from both private and government agencies, both international and local, for its operations as well as for the National Landmarks Endowment Fund, as hereby created and herein after referred to as the Endowment Fund.
- d. Serve as conduit for all international government funding for the protection, conservation and restoration of national landmarks; Provided, that pertinent rules and regulations shall be issued by the Council for administration of all funding including the Endowment Fund;
- e. Administer the Endowment Fund and give grants for the protection, preservation, conservation, reconstruction and restoration of national landmarks;
- f. Establish and maintain the National Landmark Register, as hereby created under this Act, administer and oversee the listing of sites therein, as well as conduct public consultants to determine which sites, places, cultural landscapes or other such built heritage shall be included therein; Provided, that, the Council shall promulgate the necessary rules and regulations pursuant to the selection of listings in the Register.

- g. Monitor and ensure the enforcement of laws, rules and regulations in the protection, preservation, conservation, reconstruction and restoration of listed sites;
- h. Advise the President on all matters relating to built heritage, and coordinate with the national and local governments in relation government utilization of such sites and structures;
- i. Maintain national and international institutional linkages;
- j. Review and propose protective zoning and assist in the creation of special zoning laws and ordinances to appropriate authorities in relation to built heritage;
- k. Set and promote national standards for restoration, conservation and reconstruction work; Provided, that all such undertakings, be it by the national or local government, shall be subjected to these standards;
- l. Educate the public and create greater awareness on built heritage, and pursuant to this shall undertake to provide the Department of Education Culture and Sports and the NCCA with copies of the Register and other important data on built heritage; and
- m. Promulgate rules, regulations and undertake any and all measures necessary to implement this Act.

In addition to the aforementioned duties, each ex officio member of the Council shall ensure the coordination and cooperation of his or her respective agency in the implementation of the Council's established policies.

SECTION 7. The Secretariat and the Executive Director. Within one hundred (120) days from the approval of this Act, the Council shall organize a Secretariat to be headed by an Executive Director, who must be either an architect, engineer or member of the Integrated Bar of the Philippines, and must have at least ten (10) years experience in his chosen profession. Furthermore, the Executive Director must possess utmost integrity and good moral character. He shall be appointed by the President; provided, that the President shall take into consideration the recommendations of the private sector representative of the Council.

SECTION 8. National Landmarks Endowment Fund. The National Landmarks Endowment Fund is hereby established exclusively for the purpose of conservation, restoration, preservation, reconstruction and protection of national landmarks, and all activities pursuant thereto:

The Endowment Fund shall be sourced from the following:

- 1.) The amount of five hundred fifty million pesos (500,000,000) as seed capital shall be taken from the Philippine Amusement and Gaming Corporation (PAGCOR), at the rate of twenty million pesos a month for twenty-five (25) months; Provided, that no grant shall be awarded from the Endowment Fund except from the interest drawn from the same; Provided, further, that no grant shall be awarded until after one (1) year from the establishment of the Endowment Fund; and
- 2.) Five percent (5%) from the annual allotment of the travel tax given to the Philippine Tourism Authority.

Other government corporations, such as the Government Service Insurance System, the Social Security System, are authorized to give grants to the Endowment Fund at their discretion. Private persons or corporations may likewise donate to the Endowment Fund; provided, that such contributions are subject to tax deductions or exemption pursuant to the provisions of the National Internal Revenue Code.

SECTION 9. National Landmarks Register. The Council shall establish the National Landmarks Register, herein after referred to as the Register, which shall list all landmarks with any of the following attributes:

1. Historical Importance
2. Character;
3. Distinct Architectural Style;
4. National Artist's Work;
5. Architectural Significance;
6. Technological, engineering or construction expertise;
7. Viability
8. Cultural landscape
9. Unique utilitarian structures; and,
10. Other significant attributes as determined by the Council.

SECTION 10. Markers. The Council shall cause an appropriate marker to be attached to the structure or work proclaiming its significance.

The municipal or city government shall, within one year of the listing of the site in the Register, proclaim the structure as such in the appropriate legal form. All local government units may provide additional incentives for the maintenance, restoration, reconstructions, conservation, or protection of a registered work.

SECTION 11. Obligations of Owners and Possessors of Registered Landmarks. The owners and possessors of the landmarks or structures included in the Registry shall be ensured of the maintenance, protection and continued structural integrity of such landmarks. Any changes, alterations, deviations to be made by the owners or possessors of registered landmarks on the original structure must be cleared with the Council, which shall issue the necessary permits and clearances after inspection and study of the structure and its proposed designs.

If the owners or possessors of registered landmarks refuse, by his act or omission, to abide by the provisions of this Act, or in any manner violate section 12 of this Act, the Council shall undertake expropriation proceedings on the subject property.

Failure to recompense the Council within a period of five years shall entitle the Council to alienate the property or work in favor of a third person who shall undertake the possession and/or ownership of the subject property or work after full restitution to the Council of the amount, and any expenditures for rentals. The third party must also compensate the owner and or the possessor of the property or work in accordance with registered property values.

SECTION 12. Stages of Protection on Registered Landmarks. Any changes made n registered property must be subject to the clearance of the Council; Provided, that changes shall be allowed by the Council after inspection and determination of applicability, and upon determination of the level of protection enjoyed by the subject registered work. The Council shall issue the necessary clearance and permits appurtenant thereto.

SECTION 13. Council-restored and reconstructed Landmarks. The owner or possessor of a registered landmarks has the primary responsibility for the restoration, repairs maintenance and conservation of the subject landmark; Provided, that if after notice to the owners or possessors of the subject property, the landmark is allowed to deteriorate or otherwise not conserved, repaired or maintained in accordance with the standards set by the Council, the Council shall undertake the necessary repairs, maintenance, conservation or restoration work. Pursuant to this, the Council shall have a lien on the subject structure and/or land, if applicable, in the amount expended for the necessary work on the structure.

The council shall notify the Registrar of Deeds or other such authority, or any work that is to be undertaken on registered works, even prior to the commencement of such work for the protection of innocent this parties.

SECTION 14. Penal Provision. Destruction, demolition, restoration, renovation or any changes or alterations or deviations form the original structure, or any construction work on the original structure without the written authority of the Council shall be penalized by imprisonment from six months to one year, of a fine of twenty-five thousand pesos (P25, 000,00) for each act in violation of this provision.

SECTION 15. Review. The listings in the Register shall be subject to review every five years by the Council. The may withdraw a structure from the Register, after deliberation, subject to the standards in Section 9 of this Act.

SECTION 16. Applicability. This law shall be applicable to all registered works, whether owned or possessed by the government or private persons.

SECTION 17. Repealing Clause. All laws, rules, regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 18. Effectivity. This Act shall take effect immediately upon its approval.

Approved,