

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

1 - 1 - 1996

SENATE

COMMITTEE REPORT NO. 297

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Submitted jointly by the Committees on Education, Arts and Culture (Sub-Committee on Heritage Bills); Tourism; Local Government; Ways and Means; Environment and Natural Resources; Foreign Relations; and Finance on FEB 07 2007

RE : Senate Bill No. 2613, prepared by the Committees.

Recommending its approval in substitution of Senate Bill Nos. 26, 54, 281, 282, 283, 576, 725, 913, 1089, 1214, 2123, 2252, and 2386, taking into consideration House Bill NOs. 5577 and 5792.

Sponsors : Senators Angara and Flavier

MR. PRESIDENT:

The Committees on Education, Arts and Culture; Tourism; Local Government; Ways and Means; Environment and Natural Resources; Foreign Relations; and Finance to which were referred Senate Bill No. 26, introduced by Senators Juan M. Flavier and Edgardo J. Angara, entitled:

AN ACT PROVIDING FOR THE IMPROVEMENT AND STRENGTHENING OF THE NATIONAL HISTORICAL INSTITUTE

Senate Bill No. 54, introduced by Senators Juan M. Flavier and Edgardo J. Angara, entitled:

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

Senate Bill No. 281, introduced by Senator Sergio R. Osmeña III, entitled:

AN ACT ESTABLISHING THE NATIONAL ARCHIVES OF THE PHILIPPINES, STRENGTHENING ITS POWERS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Other PURPOSES

Senate Bill No. 282, introduced by Senator Sergio R. Osmeña III, entitled:

AN ACT PROVIDING FOR THE PROTECTION AND CONSERVATION OF ALL OBJECTS OF UNDERWATER CULTURAL HERITAGE IN PHILIPPINE WATERS

Senate Bill No. 283, introduced by Senator Sergio R. Osmeña III, entitled:

AN ACT PROVIDING FOR THE IMPROVEMENT AND STRENGTHENING OF THE NATIONAL HISTORICAL INSTITUTE

u

Senate Bill No. 576, introduced by Senator Manny Villar, entitled:

**AN ACT TO PROMOTE FILIPINO EDUCATION AND HERITAGE
THROUGH THE ESTABLISHMENT OF PHILIPPINE COMMUNITY
SCHOOLS ABROAD FOR CHILDREN OF MIGRANT WORKERS AND
OTHER OVERSEAS FILIPINOS**

Senate Bill No. 725, introduced by Senator Manny Villar, entitled:

**AN ACT PROVIDING FOR THE PROTECTION AND CONSERVATION OF
ALL OBJECTS OF UNDERWATER CULTURAL HERITAGE
IN PHILIPPINE WATERS**

Senate Bill No. 913, introduced by Senator Jinggoy E. Estrada, entitled:

**AN ACT TO PROVIDE FOR THE PRESERVATION AND CULTIVATION OF
THE FILIPINO HERITAGE AMONG FILIPINO OVERSEAS THROUGH THE
TEACHING OF FILIPINO LANGUAGE AND HISTORY, ASSISTANCE IN
THE ESTABLISHMENT AND OPERATION OF PHILIPPINE SCHOOLS
AND FILIPINIANA RESOURCE CENTERS ABROAD, AND THE
CREATION OF A COMMITTEE ON HERITAGE AND CULTURE FOR
OVERSEAS FILIPINOS, AND APPROPRIATING FUNDS THEREFOR**

Senate Bill No. 1089, introduced by Sen. Edgardo J. Angara, entitled:

**AN ACT TO PROMOTE THE PROTECTION AND CONSERVATION
OF THE NATIONAL HERITAGE, THE CREATION OF A NATIONAL
HERITAGE COMMISSION, PROVIDING PENALTIES THEREFOR
AND FOR OTHER PURPOSES**

Senate Bill No. 1214, introduced by Senator Ramon Revilla, Jr., entitled:

**AN ACT PROVIDING FOR THE IMPROVEMENT AND STRENGTHENING
OF THE NATIONAL HISTORICAL INSTITUTE (NHI),
AND FOR OTHER PURPOSES**

Senate Bill No. 2123, introduced by Senator Edgardo J. Angara, entitled:

**AN ACT PROVIDING MECHANISMS TO REGULATE THE IMPORT,
TRANSIT, EXPORT, AND REPATRIATION OF CULTURAL PROPERTY
INTO AND FROM THE PHILIPPINES**

Senate Bill No. 2252, introduced by Senator Edgardo J. Angara, entitled:

**AN ACT PROVIDING FOR THE PROTECTION AND CONSERVATION OF
ALL OBJECTS OF UNDERWATER CULTURAL HERITAGE
IN PHILIPPINE WATERS**

Senate Bill No. 2386, introduced by Senator Manny Villar, entitled:

AN ACT TO PROVIDE FOR THE PRESERVATION AND CULTIVATION OF THE FILIPINO HERITAGE AMONG FILIPINOS OVERSEAS THROUGH THE TEACHING OF FILIPINO LANGUAGE AND HISTORY, ASSISTANCE IN THE ESTABLISHMENT AND OPERATION OF PHILIPPINE SCHOOLS AND FILIPINIANA CENTERS ABROAD AND ESTABLISHING A TRUST FUND THEREFOR

Taking into consideration House Bill No. 5577, introduced by Representative Gullas and Noel, entitled:

AN ACT DECLARING THE MUNICIPALITY OF CARCAR IN THE PROVINCE OF CEBU AS A CULTURAL HERITAGE ZONE

House Bill No. 5792, introduced by Representative Reyes, et al., entitled:

AN ACT STRENGTHENING THE SYSTEM OF MANAGEMENT AND ADMINISTRATION OF ARCHIVAL RECORDS, ESTABLISHING FOR THE PURPOSE THE NATIONAL ARCHIVES OF THE PHILIPPINES

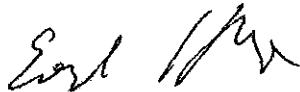
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached SB No. 2613, prepared by the Committees, entitled:

"AN ACT PROVIDING FOR THE PROTECTION AND CONSERVATION OF THE NATIONAL CULTURAL HERITAGE, STRENGTHENING THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS (NCCA), AND ITS AFFILIATED CULTURAL AGENCIES, AND FOR OTHER PURPOSES"

be approved in substitution of Senate Bill Nos. 26, 54, 281, 282, 283, 576, 725, 913, 1089, 1214, 2123, 2252 and 2386, taking into consideration House Bill Nos. 5577 and 5792, with Senators Flavio, Angara, Osmeña III, Villar, Estrada, J., and Revilla, Jr., as authors thereof.

Respectfully submitted:

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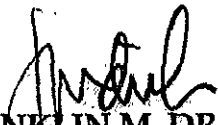
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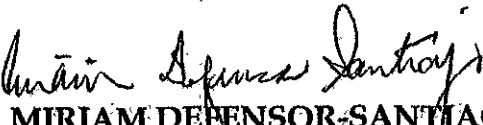

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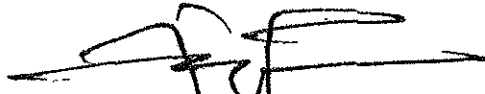
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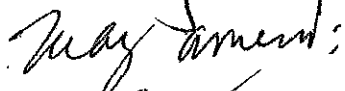
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THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

7 FEB -7 2008

SENATE

S.B. No. 2613

(In substitution of Senate Bill Nos. 26, 54, 281, 282, 283, 576, 725, 913, 1089, 1214, 2123, 2252, and 2386, taking into consideration House Bill Nos. 5577 and 5792)

Prepared by the Committees on Education, Arts and Culture (Sub-Committee on Heritage Bills) Tourism; Local Government; Ways and Means; Environment and Natural Resources; Foreign Relations; and Finance with Senators Flavies, Angara, Osmeña, Villar, Estrada, J., and Revilla, Jr., as authors thereof.

AN ACT PROVIDING FOR THE PROTECTION AND CONSERVATION OF THE NATIONAL CULTURAL HERITAGE, STRENGTHENING THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS (NCCA), AND ITS AFFILIATED CULTURAL AGENCIES, 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 *Cultural Heritage Act of 2007.*"

3 ARTICLE I
4 POLICIES AND PRINCIPLES
5

6 SEC. 2. *Declaration of Principles and Policies.* Sections 14, 15, and 16,
7 Article XIV of the 1987 Constitution declares that the State shall foster the
8 preservation, enrichment, and dynamic evolution of a Filipino culture based on
9 the principle of unity in diversity in a climate of free artistic and intellectual
10 expression. It shall conserve, promote and popularize the nation's historical and
11 cultural heritage and resources, as well as artistic creations. Further, all the
12 country's artistic and historic wealth constitutes the cultural treasure of the
13 nation and shall be under the protection of the State, which may regulate its
14 disposition.

1 In the pursuit of cultural preservation as a strategy for maintaining
2 Filipino identity, this Act shall pursue the following objectives:

3 a) Protect, preserve, conserve and promote the nation's cultural heritage,
4 its property and histories, and the ethnicity of local communities;

5 b) Establish and strengthen cultural institutions; and

6 c) Protect cultural workers and ensure their professional development and
7 well-being.

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ARTICLE II DEFINITION OF TERMS

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

14 (a) "*Adaptive Re-use*" refers to the utilization of buildings and sites of value for
15 a purpose different from that for which it was intended originally, in order to
16 conserve the site especially its architectural integrity;

17 (b) "*Anthropological Area*" refers to any place where studies of specific ethno-
18 linguistic groups are undertaken, the properties of which are of value to our
19 cultural heritage;

20 (c) "*Antique*" refers to a cultural property found locally which is one hundred
21 years in age, more or less, the production of which has ceased;

22 (d) "*Archaeological Area*" refers to any place, whether above or under ground,
23 underwater or at sea level, containing fossils, artifacts, and other cultural,
24 geological, botanical, zoological materials which depict and document
25 culturally relevant paleontological, prehistoric and / or historic events;

26 (e) "*Built Heritage*" refers to architectural structures, such as but not limited to,
27 buildings, houses of ancestry, traditional dwellings, technological and

- 1 industrial complexes, and their settings, with notable historical and cultural
2 significance;
- 3 (f) *“Collector”* refers to any person who or institution that acquires cultural
4 property for purposes other than sale;
- 5 (g) *“Commission”* shall refer to the National Commission for Culture and the
6 Arts (NCCA);
- 7 (h) *“Conservation”* refers to all the processes and measures of maintaining the
8 cultural significance of a cultural property, including but not limited to,
9 preservation, restoration, reconstruction, adaptation or any combination
10 thereof;
- 11 (i) *“Cultural Education”* is the teaching and learning of cultural concepts and
12 processes;
- 13 (j) *“Cultural Heritage”* refers to the totality of cultural property preserved and
14 developed through time and passed on to posterity;
- 15 (k) *“Cultural Heritage Worker”* is an individual undertaking cultural heritage
16 work;
- 17 (l) *“Cultural Institution”* refers to entities engaged primarily in cultural work;
- 18 (m) *“Cultural Property”* refers to all products of human creativity by which a
19 people and a nation reveal their identity, including natural history specimens
20 and sites, whether public or privately-owned, movable or immovable, and
21 tangible or intangible;
- 22 1) *“Tangible Cultural Property”* refers to a cultural property with
23 historical, archival, anthropological, archaeological, artistic and
24 architectural value, and with exceptional or traditional production,
25 whether of Philippine origin or not, including antiques and natural
26 history specimens with significant value; and

1 2) *"Intangible Cultural Property"* refers to the peoples' learned processes
2 along with the knowledge, skills and creativity that inform and are
3 developed by them, the products they create and the resources, spaces
4 and other aspects of social and natural context necessary for their
5 sustainability.

6
7 (n) *"Dealers"* refers to natural or juridical persons who acquire cultural
8 property for the purpose of engaging in the acquisition and disposition of the
9 same;

10 (o) *"Heritage Zone"* "refers to historical, anthropological, archaeological, artistic
11 geographical areas and settings that are culturally significant to the country
12 or a particular locality;

13 (p) *"History"* is a record of past events relating to political and social
14 development;

15 (q) *"Historical Landmarks"* refer to sites or structures that are associated with
16 events or achievements significant to Philippine History;

17 (r) *"Historical Monuments"* refer to structures that honor illustrious persons or
18 commemorate events of historical value;

19 (s) *"Historical Shrines"* refer to historical sites or structures hallowed and
20 revered for their history or association;

21 (t) *"Important Cultural Property"* refers to a cultural property having
22 exceptional cultural significance to the Philippines, but are not sufficiently
23 outstanding to merit the classification of "national cultural treasures;"

24 (p) *"Intangible Cultural Heritage (ICH)"* refers to the practices, representations,
25 expressions, knowledge, skills - as well as the instruments, objects and
26 artifacts associated therewith - that communities, groups and individuals
27 recognize as part of their cultural heritage, such as a) oral traditions,

- 1 languages, and expressions; b) performing arts; c) social practices, rituals and
2 festive events; d) knowledge and practices concerning nature and the
3 universe; and e) traditional craftsmanship;
- 4 (u) *"Library"* refers to an institution where the collection of books, manuscripts,
5 computerized information, and other materials are organized to provide
6 physical, bibliographic, and / or intellectual access to the public, with a
7 librarian that is trained to provide services and programs related to the
8 information needs of its clientele;
- 9 (v) *"Museum"* refers to a permanent institution that researches, acquires,
10 conserves, communicates and exhibits the material evidence of humans and
11 their environment for purposes of education or leisure;
- 12 (w) *"National Cultural Treasure"* refers to a unique cultural property found
13 locally, possessing outstanding historical, cultural, artistic and/or scientific
14 value which is highly significant and important to the country and nation,
15 and officially declared as such by pertinent cultural agency;
- 16 (x) *"Natural Property of Cultural Significance"* are areas possessing
17 outstanding ecosystem with flora and fauna of national scientific importance
18 under the National Integrated Protected Areas System (NIPAS);
- 19 (y) *"Pre-history"* is the period of human history before the introduction of the
20 forms of writing;
- 21 (z) *"Philippine Registry of Cultural Property (PRECUP)"* refers to the registry
22 of all cultural property of the country deemed of significant importance to
23 our cultural heritage; and
- 24 (aa) *"Restoration"* refers to the returning of the existing fabric of a place,
25 artifacts and ecofacts to a known or earlier state by removing accretions
26 inconsistent with historical progression or by reassembling existing
27 components without the introduction of new materials.

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ARTICLE III
CULTURAL PROPERTY

SEC. 4. *Categories.* The Cultural Property of the country shall be categorized as follows:

- a. National Cultural Treasures (NCT);
- b. Important Cultural Property (ICP);
- c. World Heritage Sites (WHS);
- d. Autonomous / Administrative Region Cultural Property;
- e. Provincial Cultural Property;
- f. City / Municipal Cultural Property; and
- g. Barangay Cultural Property.

SEC. 5. *Cultural Property presumed as Important Cultural Property.* For purposes of protecting cultural property against exportation, modification or demolition, the following works shall be presumed Important Cultural Property, unless declared otherwise by the pertinent cultural agency:

- a) Works by a Manlilikha ng Bayan;
- b) Works by a National Artist;
- c) Archaeological and traditional ethnographic materials;
- d) Works of national heroes; and
- e) Structures dating at least seventy (70) years old.

To avail of the privileges of an ICP, the owner must secure a declaration from the appropriate cultural agency. Consequently, the owner may petition the appropriate cultural agency to remove the presumption of ICP.

1 **SEC. 6. *World Heritage Sites (WHS)*.** The WHS in the Philippines shall be
2 under the jurisdiction of the Commission, which shall have the power to regulate
3 and supervise its conservation.

4

5 **SEC. 7. *Privileges for Cultural Property*.** All cultural properties declared
6 as National Cultural Treasures shall be entitled to the following privileges:

7 a. Priority government funding for protection, conservation and
8 restoration;

9 b. Incentive for private support of conservation and restoration through
10 the Commission's Conservation Incentive Program for National
11 Cultural Property;

12 c. An official Heritage Marker placed by the cultural agency concerned
13 indicating that the immovable cultural property has been identified as
14 NCT; and

15 d. In times of armed conflict, natural disasters, or other exceptional
16 events that endanger the cultural heritage of the country, all National
17 Cultural Treasures shall be given priority protection by the
18 Government.

19

20 All cultural properties declared as Important Cultural Property may
21 also receive government funding for its protection, conservation, and restoration.

22 An official Heritage Marker shall likewise be placed on an immovable cultural
23 property to identify the same as ICP.

24

25 **SEC. 8. *Procedure for Declaration or De-Listing of National Cultural***
26 ***Treasures or Important Cultural Property*.** The procedure in declaring as well as

1 the delisting of a National Cultural Property or an Important Cultural Property
2 shall be as follows:

3 a) A declaration or a delisting of a cultural property as a National Cultural
4 Treasure or an Important Cultural Property shall commence upon the filing
5 of a petition by the owner, stakeholder or any interested person, with the
6 Commission, which shall refer the matter to the appropriate cultural
7 agency;

8 b) Upon verification of the suitability of the property as an NCT or an ICP, the
9 cultural agency concerned shall send notice of hearing to the owner and
10 stakeholders. Stakeholders, including but not limited to local government
11 units, local culture and arts council, local tourism councils, non-
12 government conservation organizations, and schools, may be allowed to
13 file their support or opposition to the petition.

14 c) The owner and / or other stakeholders shall file their position papers
15 within fifteen (15) days. Extensions may be allowed, but in no case shall it
16 exceed more than thirty (30) days.

17 d) The petitioner shall give their reply within fifteen (15) days upon receipt of
18 any opposition to the petition. Oppositor/s shall likewise be given the
19 same amount of time to respond to the said reply. Thereafter, no further
20 submissions shall be allowed.

21 e) The appropriate cultural agency shall have a maximum of ninety (90) days
22 within which to submit its recommendation before the Commission.
23 Thereafter, the Commission shall render its decision on the application.

24
25 **SEC. 9. Right of First Refusal on the sale of National Cultural Treasures**

26 (NCT). The Commission shall be given the right of first refusal in the purchase of

1 cultural properties declared as NCT. Prior to the finality of the sale, the
2 Commission may likewise match any offer made for the purchase of an NCT.

3
4 **ARTICLE IV**
5 **HERITAGE ZONES**
6

7 **SEC. 10. *Designation of Heritage Zones.*** The Commission, in coordination
8 with the National Historical Institute, the Housing and Land Use Regulatory
9 Board (HLURB) and the local government unit concerned, shall designate
10 Heritage Zones to protect the historical and cultural integrity of a geographical
11 area.

12
13 **SEC. 11. *Maintenance of Heritage Zones.*** A Heritage Zone shall be
14 maintained by the local government unit concerned, in accordance with the
15 following guidelines:

- 16 a. Implementation of adaptive re-use of cultural property;
- 17 b. Appearance of streets, parks, monuments, buildings, natural bodies of
18 water, canals, paths and barangays within a Historical Zone shall be
19 maintained as close to their appearance at the time the area was of
20 most importance to Philippine History as determined by the National
21 Historical Institute; and
- 22 c. Local government units shall document and sustain all socio-cultural
23 practices such as but not limited to traditional celebrations, historical
24 battles, recreation of customs, and the re-enactment of battles and
25 other local customs that are unique to a Historical Zone.

26
27 **SEC. 12. *Documentation of Traditional and Contemporary Arts.*** Local
28 government units shall document traditional and contemporary arts and crafts,

1 including their processes and makers, and sustain the sources of their raw
2 materials. The local government units shall encourage and sustain traditional
3 arts and crafts as active and viable sources of income for the community.

4
5 The Commission, the Department of Trade and Industry, the Department
6 of Tourism and other government agencies involved directly or indirectly in the
7 production of goods shall assist the local government units in protecting their
8 traditional and contemporary arts and crafts making them viable for current and
9 future markets, with a view to encouraging and promoting the unique heritage
10 and identities of the said communities.

11
12 The LGU concerned shall submit an annual inventory of these
13 documentations to the Commission, which will be included in the Philippine
14 Registry of Cultural Property, as established in succeeding Section of this Act.

15
16 **ARTICLE V**
17 **REGISTRATION AND CONSERVATION OF CULTURAL PROPERTY**
18

19 **SEC.13. *Establishment of a Philippine Registry of Cultural Property.*** All
20 cultural property of the country deemed of significant importance for the
21 cultural heritage shall be registered in the Philippine Registry of Cultural
22 Property (hereafter referred to as "*Registry*").

23 The Commission, through the appropriate cultural agencies and local
24 government units, shall establish and maintain this Registry within three (3)
25 years from the effectivity of this Act. The guidelines in the registration of cultural
26 property are as follows:

1 a) All cultural agencies concerned shall maintain an inventory, evaluation and
2 documentation of all cultural properties it has declared according to their
3 category and shall submit the same to the Commission;

4 For cultural property declared as Immovable Cultural Property, the
5 appropriate cultural agency shall, after registration, give due notice to the
6 Registry of Deeds having jurisdiction for annotation on the land titles
7 pertaining to the same.

8 b) Local government units, through their cultural offices, shall likewise
9 maintain an inventory of cultural property under its jurisdiction and shall
10 furnish the Commission a copy of the same;

11 c) Both cultural agencies concerned and local government units shall
12 continuously coordinate in making entries and monitoring the various
13 cultural property in their respective inventory;

14 d) All government agencies and instrumentalities, government-owned and / or
15 controlled corporations and their subsidiaries, including public and private
16 educational institutions, shall report their ownership and / or possession of
17 such items to the pertinent cultural agency and shall register such properties
18 within three (3) years from the effectivity of this Act.

19 e) Private collectors and owners of cultural property shall register such
20 properties, within five (5) years from the effectivity of this Act. The private
21 collectors and owners of cultural property shall not be divested of their
22 possession and ownership thereof even after registration of said property as
23 herein required. They shall continue to use and enjoy such property for
24 lawful purposes. The use of said property in any manner contrary to law or
25 inimical to the national interest or state policy as declared in this Act shall be
26 governed by the pertinent provisions of this law.

1 Information on cultural properties owned by private individuals may be
2 given only upon prior consent of the private owner. The Commission shall
3 operate the Registry in the form of an electronic database and shall publish the
4 same in its official website.

5
6 **SEC. 14. *Conservation of Cultural Property.*** All measures on conservation
7 of National Cultural Treasures, Important Cultural Property, Autonomous /
8 Administrative Region Cultural Property, Provincial Cultural Property, City/
9 Municipal Cultural Property and Barangay Cultural Property shall be
10 undertaken only upon prior approval of the Commission through the
11 appropriate cultural agency which shall supervise the same;

12 The Commission shall approve only those methods and materials that
13 strictly adhere to the accepted international standards of conservation.

14
15 **SEC. 15. *Power to issue a Cease and Desist Order (CDO).*** When the
16 physical integrity of the NCTs or ICPs are found to be in danger of destruction or
17 modification from its original state, the Commission, through the appropriate
18 cultural agency, shall immediately issue a Cease and Desist Order suspending all
19 activities that will affect the cultural property. The local government unit which
20 has the jurisdiction over the site where the immovable cultural property is
21 located shall report the same to the Commission immediately upon discovery
22 and shall promptly adopt measures to secure the integrity of such immovable
23 cultural property. The suspension of the activities shall be lifted only upon the
24 written authority of the appropriate cultural agency after due notice and hearing
25 involving as may of the interested parties and stakeholders as possible.

26

1 **SEC. 16. *Power to issue Compulsory Repair Order (CRO).*** When a
2 privately-owned heritage site cannot be maintained by the owner or has fallen
3 into disrepair thru neglect to such an extent that it will lose its potential for
4 conservation, the Commission, through the appropriate cultural agency, may
5 serve on the owner or occupant of such property, an order to repair or maintain
6 such site. If the owner fails to comply with said order within 30 to 45 days,
7 repairs may be undertaken by the Commission for the account of the owner. If
8 said owner fails to reimburse the Commission, the property or portions thereof
9 shall be forfeited in its favor in accordance with the amount spent for the repair
10 after computing interest thereon.

11

12 **SEC 17. *Heritage Agreements.*** The Commission, upon advice of the
13 concerned cultural agency, may enter into agreements with private owners of
14 cultural properties with regard to the preservation of said property.

15 Such agreement shall be in the form of a contract, and may include such
16 terms and conditions including, but not limited to:

- 17 a) Public access to the property;
- 18 b) Value of the encumbrance;
- 19 c) Duration of the servitude of the property;
- 20 d) Restriction of the right of the owner or occupant to perform acts on
21 or near the place;
- 22 e) Maintenance and management of the property;
- 23 f) Provision of financial assistance for the conservation of the
24 property;
- 25 g) Procedure for the resolution of any dispute arising out of the
26 agreement.

1 Such agreement should be annotated in the land title to bind future
2 owners and / or occupants of the immovable cultural property.

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ARTICLE VI
INTANGIBLE CULTURAL HERITAGE

9 **SEC. 18. *National Inventory of Intangible Cultural Heritage.*** The
10 Commission shall undertake a *national* inventory of the country's intangible
11 cultural heritage. Pursuant to this objective, it shall:

11 1) Coordinate all efforts of government and private agencies that have forms
12 of intangible cultural heritage in making the national inventory and
13 working toward the safeguarding of these forms of heritage; and

14 2) Undertake the responsibilities pertaining to the Philippines as provided for
15 by Articles 11 to 15 of UNESCO Convention for the Safeguarding of the
16 Intangible Cultural Heritage.

17

18 **SEC. 19. *Anthropological Research and Archaeological Exploration /***
19 ***Excavation.*** a) The Commission through the National Museum shall regulate
20 and control all anthropological research conducted by foreigners; and all
21 archaeological excavation or exploration. Pursuant to the foregoing, the
22 Commission shall deputize other agencies to protect archaeological and
23 anthropological sites in accordance with Section 20 of this Act.

24 It shall be guided by the following rules:

25 1) All cultural property found in terrestrial and / or underwater
26 archaeological site belong to the State.

27 2) No terrestrial and / or underwater archaeological explorations and
28 excavations for the purposes of obtaining materials and data of cultural

1 value shall be undertaken without the written authority and direct site
2 supervision by archaeologists and / or representatives of the National
3 Museum;

4 3) All anthropological researches, for the purpose of obtaining materials and
5 data of cultural value and where the principal proponent is a foreign
6 national shall be undertaken only with the authority, and under the
7 supervision of the Commission through National Museum;
8 Anthropological research by Philippine nationals, especially members of
9 the Indigenous communities shall be encouraged;

10 4) Archaeological or anthropological materials presumed as ICP shall be
11 allowed to leave the country only upon proper evaluation and written
12 permission of the National Museum;

13 5) All explorations and excavations undertaken wherein the caves, rock
14 shelters and their vicinities may have been used in the prehistoric past by
15 man either for habitation, religious and / or sacred and burial purposes
16 all over the country, shall be under the direct jurisdiction and supervision
17 of archaeologists and/or other experts of the National Museum;

18 6) The provisions of this Heritage Act on explorations and excavations of
19 terrestrial and underwater archaeological sites shall supersede all local,
20 municipal, regional and autonomous regional governments resolutions
21 and ordinances;

22 7) All mining activities inside caves, rock shelters and any such other areas
23 shall require a written permit and clearance from the National Museum.
24 An appropriate prior inspection by representatives of the National
25 Museum, funded by the company applying for a mining rights, shall be
26 required to ensure that no archaeological materials are present and,
27 possibly, destroyed;

1 7) Excavations in caves, rock shelters and other areas by laymen are
2 prohibited by this Act. All earth-moving activities in these areas must
3 have the proper permit and clearance from the National Museum and
4 monitored by their representatives; and

5 8) All Treasure Hunting Permits and Licenses shall be issued by the
6 Commission through the National Museum, which shall formulate the
7 rules and regulations to adequately control, regulate and monitor all
8 applicants for such undertakings.

9

10 b) When the presence of any cultural property is discovered, the Commission,
11 through the National Museum, shall immediately suspend all activities that
12 will affect the site and shall immediately notify the LGU having jurisdiction
13 of the place where the discovery was made. The local government shall
14 promptly adopt measures to protect and safeguard the integrity of the
15 cultural property so discovered and within five (5) days from the discovery
16 shall report the same to the appropriate agency. The suspension of these
17 activities shall be lifted only upon the written authority of the Commission,
18 through the National Museum and only after the systematic recovery of the
19 archaeological materials.

20

21 c) The Commission, through the National Museum, shall provide incentives for
22 persons who discover and report heretofore unknown archaeological sites, in
23 accordance with its rules and regulations to be promulgated in accordance
24 with this Act.

25

1 d) Any government or non-government infrastructure project or architectural
2 site development shall include anthropological, archaeological, historical and
3 heritage site conservation concerns in their Environmental Impact
4 Assessment System (EIAS).

5
6 For this purpose, one percent of the total budget of the program/project
7 shall be held in reserve to underwrite the cost of the study, and the project
8 proponent shall file with the Commission through the National Museum the
9 appurtenant bond guaranteeing the same.

10

11 **SEC. 20. *Immovable National Cultural Treasures.*** National Cultural
12 Treasures, which are immovable, shall not be relocated, rebuilt, defaced or
13 otherwise changed in a manner, which would destroy the property's dignity
14 except to save such property from destruction due to natural causes.

15

16 **SEC. 21. *Indigenous properties.*** The Commission, in coordination with
17 the National Commission on Indigenous Peoples, shall establish a program and
18 promulgate regulations to assist indigenous people in preserving their particular
19 cultural and historical properties.

20

21 **SEC. 22. *Systematic Research in Natural History.*** The National Museum
22 shall have the authority to collect, maintain and develop the national reference
23 collections of Philippine flora and fauna, rocks and minerals through research
24 and field collection of specimens including Important Cultural Property within
25 the territorial jurisdiction of the Philippines; and shall be exempt from any and
26 all permit systems regulating the same.

1 The National Museum shall inform the Department of Environment and
2 Natural Resources, Department of Agriculture and the Palawan Council for
3 Sustainable Development of such collection. All type specimens collected in the
4 Philippine territory shall be deposited in the National Museum.

5
6 **SEC. 23. *Renaming of Historical Streets, Buildings Designated as***
7 ***Cultural Treasure or Important Cultural Property.*** No historical streets, parks,
8 buildings, shrines, landmarks, monuments and sites designated as National
9 Cultural Treasures or Important Cultural Property shall be renamed except upon
10 written application and approval of the National Historical Institute.
11 Consequently, the NHI may direct the local government units to restore the
12 original names of historic streets, parks, buildings, shrines, landmarks,
13 monuments and sites.

14
15 **SEC. 24. *Visitorial Powers.*** The cultural agencies concerned, through the
16 Commission, are hereby given the power to inspect National Cultural Treasures
17 and Important Cultural Property at any time to ensure the protection and
18 integrity of such. They may also inspect public or private collections or objects
19 that may be categorized as cultural property.

20
21 **SEC. 25. *Power to Deputize the Philippine National Police (PNP),***
22 ***National Bureau of Investigation (NBI, the Armed Forces of the Philippines***
23 ***(AFP) and the Philippine Coast Guard (PCG).*** The cultural agencies concerned,
24 through the Commission, shall deputize local or national law enforcement
25 agencies, to enforce the provisions of this Act and its implementing rules and
26 regulations. The said agencies shall, upon the request of the Commission,

1 immediately detail their respective personnel to protect the cultural items under
2 the National Registry.

3
4 **SEC. 26. Expropriation.** The Commission through the appropriate agency
5 may, and after consultation with the Secretary of Finance expropriate property
6 for its conservation or any other purpose under this Act.

7
8 **ARTICLE VII**
9 **HERITAGE ADVISORY COUNCIL**

10
11
12 **SEC. 27. Creation of a Heritage Advisory Council.** The Commission, as
13 the lead agency shall create a Heritage Advisory Council (hereafter referred to as
14 "*Council*") within its structure. The Council shall serve as an Advisory body to
15 the Commission on issues covered by this Act and in other matters involving
16 interests relating to cultural heritage. The members shall be appointed taking
17 into considerations their qualifications or special expertise in fields relevant to
18 cultural heritage resources management, protection and conservation.

19
20 In the selection of members, preference shall be given to those who are (a)
21 senior citizens whose wisdom and experience in their respective fields could still
22 make them active participants in cultural development; and (b) experts from
23 cultural institutions, whether public or private. The Heritage Advisory Council
24 may meet as often as may be required by the commission and its members shall
25 be appropriately compensated.

26
27
28 **ARTICLE VIII**
29 **ROLE OF CULTURAL AGENCIES**

30
31

1 **SEC. 28. Responsibilities of Cultural Agencies for Designation of Cultural**

2 **Property.** The cultural agencies, conformably with their respective charters, shall
3 define and delineate their respective areas of responsibility with respect to
4 cultural property and assessment of National Cultural Treasures. These areas
5 shall be subject to periodic re-assessment whenever necessary.

6 For purposes of this Act, the following shall be the responsibilities of
7 cultural agencies in the categorization of cultural property:

- 8 a) **The Cultural Center of the Philippines ("CCP")** shall be responsible for
9 cultural property pertaining to the performing arts;
- 10 b) **The Records Management and Archives Office ("RMAO")** shall be
11 responsible for archival materials;
- 12 c) **The National Library ("TNL")** shall be responsible for rare and
13 contemporary books, manuscripts such as, but not limited to, presidential
14 papers, periodicals, newspapers, singly or in collection, and libraries and
15 electronic records;
- 16 d) **The National Historical Institute ("NHI")** shall be responsible for movable
17 and immovable cultural property that pertain to Philippine Political History
18 with written records;
- 19 e) **The National Museum ("NM")** shall be responsible for movable and
20 immovable cultural and natural property of significance that pertain to
21 collections of Fine Arts, Archaeology, Anthropology, Botany, Geology,
22 Zoology and Astronomy, including conservation aspect; and
- 23 f) **The Komisyon sa Wikang Filipino ("KWF")** shall be responsible for the
24 propaganda and promotion of a national Filipino language and the
25 conservation of ethnic languages;

26

1 **SEC. 29. Institutional Linkages of the Commission.** The Commission
2 shall, in implementing the provisions of this Act, consult, coordinate and work
3 closely with the cultural agencies and other national government agencies such
4 as:

5 a) **The Department of Tourism (DOT)** which shall be responsible for cultural
6 education among tourism services, and protection of cultural property
7 supplemental to the jurisdiction of the cultural agencies as defined in this
8 Act. The implementation and creation of a tourism master plan shall be
9 consistent with this Act;

10 b) **The National Commission on Indigenous Peoples ("NCIP")**, in behalf of
11 the country's indigenous cultural communities, which shall coordinate with
12 the national agencies on matters pertaining to Cultural Property under its
13 jurisdiction;

14 c) **The Department of Environment and Natural Resources ("DENR")** which
15 shall be responsible for designating categories of Protected areas under the
16 NIPAS;

17 d) **The Department of the Interior and Local Government ("DILG")** which
18 shall coordinate with the national cultural agencies on matters pertaining to
19 Cultural Property under its jurisdiction, and ensure that the provisions of
20 this Act is properly executed by the Local Government Units;

21 e) **The Office of the Muslim Affairs ("OMA")** shall coordinate with the
22 national cultural agencies on matters pertaining to Cultural Property under
23 its jurisdiction;

24 f) **The Housing and Land Use Regulatory Board ("HLURB")** shall coordinate
25 with the local government units and the Commission on matters pertaining
26 to the establishment and maintenance of Heritage Zones; and

1 g) The Autonomous Regional Government in Muslim Mindanao ("ARMM")
2 and the Cordillera Administrative Region ("CAR") shall coordinate with
3 the National cultural Agencies on matters pertaining to Cultural Property
4 under their respective jurisdictions.

5
6 **SEC. 30. *Incorporation of Cultural Property Programs in LGU Budgets.***

7 The local government units shall incorporate programs and budgets for the
8 conservation and preservation of Important Cultural Property in their
9 environmental, educational and cultural activities.

10

11 **SEC. 31. *Training Programs.*** The Commission, in coordination with the
12 appropriate cultural agencies shall provide general training programs on
13 conservation to the local government units which have established cultural
14 heritage programs and projects in their localities.

15

16

ARTICLE IX

17

CULTURAL PROPERTY INCENTIVES PROGRAM

18

19 **SEC. 32. *Donation by Private Individuals and Institutions to Cultural***
20 ***Agencies.*** Any donation by private individuals or institutions to cultural
21 agencies, as certified by the Commission, shall be deductible from the gross
22 taxable income of the individual or institution concerned, for any of the
23 following cultural programs or purposes:

- 24 a) purchase of National Cultural Treasure or Important Cultural Property;
- 25 b) support for scientific and cultural research anthropological projects,
26 explorations and archaeological excavations for the Commission and its
27 cultural agencies and accredited academic and research institutions;

- 1 c) cultural, archaeological, anthropological, historical research and
- 2 exhibitions and performances' for the Commission and cultural agencies;
- 3 d) purchase and acquisition of equipment, instruments and materials for
- 4 conservation for cultural agencies;
- 5 e) cultural education programs and scholarships; and
- 6 f) maintenance of Heritage Zones.

7

8 The Department of Finance, in coordination with the Commission, shall

9 promulgate the necessary implementing guidelines to carry out the purposes of

10 this Section.

11 The Commission shall likewise support the formation of local historical

12 and cultural trust, clubs and associations through the priority programs

13 enumerated under the preceding section.

14

15 **SEC. 33. *Incentives for Private Individuals, Collectors or Entities***

16 ***Financing Archeological Excavation.*** Private persons who finance the cost in

17 whole or in part an archaeological excavation under the supervision of the

18 National Museum or the conservation of a historical site under the supervision of

19 the National Historical Institute, and other sites defined in this Act, may avail of

20 income tax incentives arising from donations as provided for in this Act.

21 Private persons who donate for the purposes of acquisition of cultural

22 property to the appropriate cultural agency shall also be entitled to similar tax

23 incentives.

24

25 **SEC. 34. *National Heritage Resource Assistance Program.*** The

26 Commission may provide financial assistance in the form of a grant or a loan to

1 historic, archaeological, architectural, artistic organizations for conservation or
2 research on cultural property. No grant made pursuant to this Act shall be
3 treated as taxable income.

4

5 **SEC. 35. *Awards and Citations.*** To encourage preservation of the national
6 heritage, the Commission shall establish annual conservation recognition under
7 which monetary prizes, awards and citations will be given by the President of
8 the Philippines, upon the recommendation of the Commission, for special
9 achievements and important contributions and services in the area of heritage
10 preservation and conservation efforts.

11

12

13

**ARTICLE X
CULTURAL EDUCATION**

14

15 **SEC. 36. *Incorporation of National Cultural Treasures and Important***
16 ***Cultural Property in the Basic Education System.*** Within one (1) year from the
17 effectivity of this Act, the Department of Education in coordination with the
18 Commission shall formulate cultural heritage education programs to be
19 incorporated into formal, non-formal and informal education, with emphasis on
20 the protection, conservation and preservation of cultural heritage property.

21

22 The Registry of Important Provincial and Community Cultural Properties
23 shall likewise be incorporated into formal, non-formal and informal education by
24 the provincial and local governments.

25

26 **SEC. 37. *Cultural Heritage Education Program.*** Within one (1) year from
27 the effectivity of this Act, the DepEd in coordination with the Commission shall

1 set forth in the following cultural heritage education programs nationwide with
2 emphasis on the provincial, city and municipal levels:

- 3 a) Protection, conservation and preservation of cultural heritage properties;
- 4 b) Instructional materials in prints, film and broadcast media on the cultural
5 and historical significance of cultural properties; and
6 Visitation, public accessibility and information dissemination on
7 designated Local Important Cultural Properties.

8
9 **SEC. 38. *Public Accessibility.*** Access to historic monuments and sites,
10 whether designated as National Cultural Treasure, Important Cultural Property,
11 Autonomous, Provincial, City, Municipal or Barangay Cultural Property, by the
12 general public for visitation and information, and government representatives
13 for inspection, shall not be hindered except on reasonable cause. Fees, as
14 prescribed by the cultural agency concerned, may in appropriate cases be
15 charged to defray cost of conservation, inclusive of general maintenance and
16 upkeep. In the case of privately owned monuments and sites, the National
17 Historical Institute shall arrange with the owners the schedules of visits and
18 regular inspection.

19

20

ARTICLE XI

21

CULTURAL HERITAGE WORKERS' INCENTIVES PROGRAM

22

23 **SEC. 39. *Cultural Heritage Workers' Incentives.*** The Commission through
24 the cultural agencies shall institute scholarships, educational training programs,
25 and other measures to protect the well being of curators, conservators,
26 authenticators and valuers/appraisers of cultural property and other cultural
27 heritage workers.

1 a) *Program for Cultural Heritage Workers.* Within ninety (90) days from the
2 effectivity of this Act, the Commission through the cultural agencies
3 concerned shall provide for the following programs for cultural heritage
4 workers:

- 5 1) an active Roster of Authenticators and Roster of Valuators/ Appraisers;
- 6 2) education and training programs for conservators, authenticators and
7 valuators/appraisers, and other conservation related workers;
- 8 3) propose a general training program on conservation for local
9 government units.

10

11 b) *Application of Scientific Career Merit System.* Cultural heritage workers in
12 the Civil Service with a Doctorate, Master of Science or Master of Arts
13 Degree, shall be given the rank and benefits of Scientists, subject to
14 qualifying standards equivalent to those prescribed in the scientific career
15 merit system of the government.

16 Cultural Heritage Worker involved in Science and technology in the
17 government agencies shall be eligible for the benefits under the *Magna Carta*
18 *Eligibles*. The Commission shall likewise establish a merit award system for non-
19 civil service cultural heritage workers.

20

21

ARTICLE XII

22

PENAL PROVISIONS

23

24

25 **SEC. 40. *Prohibited Acts.*** To the extent that the offense is not punishable
26 by a higher punishment under another provision, violations of this Act may be
27 made by whoever intentionally:

28

- 1) Destroys, demolishes, mutilates or damage any any WHS, NCT, ICP,
and presumed ICP, archaeological and anthropological sites;

1 2) Modify, alter, or destroy the original features of any national shrine,
2 monument, landmark and other historic edifices declared and
3 classified by the National Historical Institute as such, without the prior
4 written permission from the Commission. This includes the designated
5 security or buffer zone, extending five meters from the visible
6 perimeter of the monument or site.

7 Explore, excavate or undertake diggings for the purpose of
8 obtaining materials of cultural historical value without prior written
9 authority from the National Museum. No excavation or diggings shall
10 be permitted without the supervision of a certified archaeologist.

11 3) Appropriates excavation finds;

12 4) Imports, sells, distributes, procures, acquires, or exports cultural
13 property stolen or otherwise lost against the will of the lawful owner;
14 and

15 5) Illicitly exports cultural property listed in the PRECUP or incorrectly
16 declares the same during transit.

17
18 **SEC. 41. Penal Provisions.** Upon conviction, the offender shall be subject
19 to a fine of not less than Two Hundred Thousand Pesos (P200,000.00) or
20 imprisonment for a term of not less than ten (10) years or both upon the
21 discretion of the Court: *Provided*, That any cultural property attempted to be
22 concealed from registration or those intended to be encumbered or excavated in
23 violations of this Act shall be summarily confiscated and forfeited in favor of the
24 Commission; *Provided further*, That if the violation is committed by a juridical
25 person, the manager, representative, director, agent or employee of said juridical
26 person responsible for the act shall also be liable to the penalties provided herein;
27 *Provided furthermore*; That if the acts are committed by dealers, they shall suffer,

1 in addition to the penalties provide herein, the automatic revocation of their
2 license to operate; *Provided finally*, That if the offender is an alien, he shall be
3 under the custody of the Commission on Immigration and Deportation for the
4 appropriate proceedings.

5
6 **SEC. 42. Appropriations.** Funding for this law shall be taken from the Fifty
7 percent (50%) share of the government in the aggregate gross earnings of the
8 Philippine Amusement and Gaming Corporation (PAGCOR), which shall
9 constitute as an additional source of funding for the *National Endowment Fund*
10 *for Culture and the Arts* (NEFCA).

11
12 **SEC. 43. Repealing Clause.** The provisions of the RA 7356 or the National
13 Museum Law, Republic Act 9072 or the National Caves and Cave Resources
14 Management and Protection Act, Presidential Decree No. 1505, RA 7942 or the
15 Philippine Mining Act of 1995, and any provision of existing laws, rules, decrees
16 and executive orders inconsistent with the provisions of this Act are hereby
17 repealed and modified accordingly.

18
19 **SEC. 44. Separability Clause.** Any portion or provision of this Act that
20 may be declared unconstitutional shall not have the effect of nullifying other
21 portions or provisions hereof as long as such remaining provisions can still
22 subsist and be given effect.

23
24 **SEC. 45. Effectivity Clause.** This Act shall take effect fifteen (15) days after
25 its complete and full publication in the Official Gazette or in at least two (2)
26 newspapers of general circulation, whichever comes first.

27