

S. No. 3472
H. No. 6378

Republic of the Philippines
Congress of the Philippines
Metro Manila

Fourteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand nine.



[REPUBLIC ACT NO. 10086]

AN ACT STRENGTHENING PEOPLES' NATIONALISM THROUGH PHILIPPINE HISTORY BY CHANGING THE NOMENCLATURE OF THE NATIONAL HISTORICAL INSTITUTE INTO THE NATIONAL HISTORICAL COMMISSION OF THE PHILIPPINES, STRENGTHENING ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES

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

SECTION 1 *Short Title.* — This Act shall be known as the "Strengthening Peoples' Nationalism Through Philippine History Act".

SEC. 2. *Declaration of Policy.* – It is hereby declared to be the policy of the State to conserve, promote and popularize the nation's historical and cultural heritage and resources. Pursuant to the Constitution, 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.

Towards this end, the State shall provide the means to strengthen people's nationalism, love of country, respect for its heroes and pride for the people's accomplishments by reinforcing the importance of Philippine national and local history in daily life with the end in view of raising social consciousness; reinvigorating government support for historical research; and sustaining and enhancing programs for the protection, preservation and conservation of historical relics and memorabilia, monuments, sites and other historical resources.

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

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

(a) "Built heritage" refers to architectural and engineering structures such as, but not limited to, bridges, government buildings, houses of ancestry and worship, traditional dwellings, technological and industrial complexes and their settings, and landscapes with notable historical and cultural significance.

(b) "Classified" refers to structures and sites marked and listed as such and recorded in the National Historical Commission of the Philippines's National Registry of Historic Sites and Structures, and not falling under any of the five (5) categories of historic sites and structures, namely: National Shrines, National Monuments, National Landmarks, Heritage Houses and Historic Sites.

(c) "Conservation" refers to all processes and measures of maintaining the cultural significance of a cultural property

including, but not limited to, physical, social or legal preservation, restoration, reconstruction, protection, adaptation or any combination thereof.

(d) "Documentation" refers to the recording in a permanent format of information derived from research, conservation and other activities of the National Historical Commission of the Philippines (NHCP).

(e) "Heritage houses" refers to houses of ancestry with notable historical, cultural, social, architectural and artistic value and significance as declared by the NHCP.

(f) "Historic site" refers to a place recognized to have an important historical significance as declared by the NHCP.

(g) "Historical street name" refers to a street name which has been in existence for at least fifty (50) years.

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

(i) "History museum" refers to a place where relics and memorabilia and other resources pertaining to important people, places and events in the past are thematically presented and systematically preserved, catalogued or displayed for public appreciation and education.

(j) "Historical research" refers to the scholarly investigation of people, places and events in the past.

(k) "Historical writing" refers to the coherent, narrative and scholarly documentation of people, places and events in the past.

(l) "National historical landmarks" refers to sites or structures which are associated with events or achievements significant to Philippine history declared as such by the NCHP.

(m) "National historical monuments" refers to structures erected as a memorial to great heroes or events in Philippine history declared as such by the NHCP.

(n) "National historical shrines" refers to sites or structures hallowed and revered for their history or association declared as such by the NHCP.

(o) "National registry of historic sites and structures" refers to the records of all historic sites and structures of the country as found in the documentation of the NHCP.

(p) "Philippine history" is the study of people, events and places from the dawn of the recorded past of the Philippines to contemporary period.

(q) "Preservation" refers to all activities that employ means to control, minimize or prevent damage or deterioration to cultural property.

(r) "Restoration" refers to the action taken or the technical intervention to correct deterioration and alterations and return cultural property to its original state or condition.

SEC. 4. Renaming of the National Historical Institute.

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

The NHCP shall be an independent agency attached to the National Commission for Culture and the Arts (NCAA).

SEC. 5. General Mandate. – The NHCP is the primary government agency responsible for history and has the authority to determine all factual matters relating to official Philippine history.

In this regard, the NHCP shall:

(a) conduct and support all kinds of research relating to Philippine national and local history;

(b) develop educational materials in various media, implement historical educational activities for the popularization of Philippine history, and disseminate information regarding Philippine historical events, dates, places and personages;

(c) undertake and prescribe the manner of restoration, conservation and protection of the country's historical movable and immovable objects;

(d) manage, maintain and administer national shrines, monuments, historical sites, edifices and landmarks of significant historico-cultural value; and

(e) actively engage in the settlement or resolution of controversies or issues relative to historical personages, places, dates and events.

SEC. 6. *The Board.* – The NHCP shall be governed by a nine (9)-member Board, which shall be created to formulate and implement NHCP policies relating to the agency's mandate.

SEC. 7. *Powers and Functions of the Board.* – The Board of the NHCP shall exercise the following powers and functions:

(a) Conduct and encourage all manner of research pertaining to Philippine national and local history;

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

(c) Acquire real property, buildings and other structures for the purpose of preserving, restoring and conserving their significant historical value;

(d) Determine the manner of identification, maintenance, restoration, conservation and preservation of historical sites, shrines, structures and monuments;

(e) Approve the declaration of historic structures and edifices such as national shrines, monuments and landmarks or heritage houses;

(f) Prescribe the manner of celebration or commemoration of significant events pertaining to Philippine history;

(g) Initiate and, in cooperation with the appropriate government or private entity, promote programs for the popularization of Philippine history such as, but not limited to, the integration of the subject of history into the school curriculum, among others;

(h) Discuss and resolve, with finality, issues or conflicts on Philippine history;

(i) Implement and enforce Republic Act No. 8491, otherwise known as the Flag Law, and other special laws where the NHCP has been designated as the implementing body;

(j) Secure and receive local, bilateral and international donations, grants and endowments in support of its programs and projects;

(k) Develop and implement consortium agreements to link other government agencies and/or private individuals and organizations engaged in or in support of the mandate of the NHCP;

(l) Regulate activities pertaining to the preservation, restoration and conservation of historical property or resources;

(m) Generate funds from government or private sources, local or international for its programs and projects;

(n) Collect reasonable fees for the use, sale or rent of its resources as well as entrance fees to shrines and landmarks under the jurisdiction of the NHCP;

(o) Approve grants, create committees or deputize individuals for NHCP projects;

(p) Conduct public hearings and ocular inspections or initiate factual investigations with respect to disputed historical issues for the purpose of declaring official historical dates, places, personages and events;

(q) Approve the annual budget of the NHCP before its presentation to the Department of Budget and Management (DBM) and Congress;

(r) Appoint the Deputy Executive Directors of the NHCP;
and

(s) Exercise oversight functions over the administrative operations of the NHCP.

SEC. 8. *Composition of the Board.* -- The Board shall be headed by a Chairperson and shall be composed of five (5) distinguished historians representing the private sector who shall serve as regular members of the Board and who shall be appointed by the President of the Republic of the Philippines. Only the regular members can vote on matters relating to historical research and similar academic concerns. The following shall serve as *ex officio* members:

(a) The Director of the National Library of the Philippines;

(b) The Director of the National Museum;

(c) The Executive Director of the National Archives of the Philippines; and

(d) The Executive Director of the NHCP.

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

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

(b) At least thirty-five (35) years of age;

(c) With good moral character;

(d) Has distinguished himself/herself in the field of Philippine history; and

(e) Has published works in Philippine history and other academic fields recognized by scholars and the reading public.

SEC. 10. *Regular Members; Term of Office.* – The regular members of the Board shall serve for a term of four (4) years: *Provided*, That the first five (5) appointees pursuant to this law shall hold office under the following staggered terms, namely: two (2) appointees will have a full term of four (4) years; two (2) appointees will have a term of three (3) years; and the remaining appointee shall have a term of two (2) years: *Provided, further*, That the regular members shall not serve for more than two (2) consecutive terms. Appointment to any vacancy shall only be for the unexpired portion of the term of the predecessor. In no case shall a member be appointed or designated in a temporary or acting capacity.

SEC. 11. *Election of the Chairman.* – The Board shall be headed by a Chairman who shall be elected from among the regular members in an election to be participated in by all the members of the Board.

SEC. 12. *Term of Office of the Chairman.* – The Chairman shall have a term of three (3) years and shall not serve more than two (2) consecutive terms.

SEC. 13. *Functions of the Chairman.* – The Chairman is the head of the agency and shall represent and act for the Board in all matters pertaining to the NHCP. The Chairman, being the public face of the NHCP, shall:

(a) provide leadership in the realization of the vision and mission of the NHCP;

(b) advise the President and Congress on matters relating to Philippine history;

(c) preside over meetings of the Board;

- (d) propose the agenda for meetings of the Board;
- (e) exercise oversight over the Executive Director and Deputy Executive Directors to ensure the implementation of policies, decisions and resolutions of the Board;
- (f) represent the NHCP on official matters;
- (g) represent the NHCP in the Board of the NCCA and other agencies where the NHCP head of agency sits; and
- (h) perform such other authority, functions or duties which the President of the Philippines or the Board may delegate.

SEC. 14. *The Executive Director.* – The Executive Director shall be appointed by the President of the Republic of the Philippines. He/She shall have a rank equivalent to a bureau director.

SEC. 15. *Functions of the Executive Director.* – The Executive Director shall have the following functions:

- (a) Implement the policies and programs approved and promulgated by the NHCP Board;
- (b) Administer the day-to-day operations of the NHCP;
- (c) Represent the NHCP in meetings when authorized or delegated by the Board; and
- (d) Perform such other functions assigned by the NHCP Board.

SEC. 16. *The Deputy Executive Directors.* – The Executive Director shall be assisted by a Deputy Executive Director for Administration and a Deputy Executive Director for Programs and Projects.

The Deputy Executive Directors shall be appointed by the Board.

SEC. 17. *Qualifications of the Executive Director and Deputy Executive Directors.* – No person shall be appointed or designated as Executive Director and Deputy Executive Directors of the NHCP unless he/she possesses the following minimum qualifications:

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

(b) Has good moral character;

(c) Holder of any four (4)-year college degree;

(d) Has at least five (5) years of actual and relevant experience in managing a government agency in the case of the Executive Director and three (3) years experience in the case of the Deputy Executive Directors; and

(e) Has career executive service officer (CESO) eligibility only with respect to the Deputy Executive Director position.

SEC. 18. *Delegation of Authority.* – The Executive Director shall have authority over and responsibility for the day-to-day operations of the NHCP. He/She may delegate such authority to the Deputy Executive Directors to implement plans and programs. The delegation shall be in writing; shall indicate the name of specific officer to which the delegation is made; shall indicate the duties and responsibilities delegated; shall indicate the length of period of delegated authority; and shall vest sufficient authority to enable the delegate to discharge his/her assigned responsibility.

SEC. 19. *Reorganization.* – Within one hundred twenty (120) days from the effectivity of this Act, the Board shall have the authority to reorganize the structure of the NHI, including its staffing pattern in order to carry out its functions pursuant to its expanded mandate as the NHCP.

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

SEC. 20. *Historic Sites and Structures Documentation Center.* – A Historic Sites and Structures Documentation Center (HSSDC) shall be established within the NHCP, replacing the existing Survey and Documentation Section, which shall be tasked with undertaking the survey, identification, documentation and recommendation for declaration of historic structures and edifices such as national shrines, monuments and landmarks or heritage houses by the NHCP Board and maintaining the National Registry of Historic Sites and Structures.

SEC. 21. *Local Historical Committees Network.* – The existing work of the agency on historical society affiliations shall constitute the Local Historical Committees Network (LHCN). The LHCN shall monitor, coordinate, support and, upon approval of the Board, affiliate various local historical bodies engaged in the collection, documentation, popularization, conservation, restoration and preservation of extant historical materials found in different parts of the Philippines. It shall also record the oral histories of towns, cities, provinces, regions and peoples.

SEC. 22. *Materials Research Conservation Division.* – The Materials Research Conservation Center of the agency shall be renamed as Materials Research Conservation Division (MRCD). Aside from its regular functions, it shall provide consultancy services to collectors of historical objects that are considered valuable components of Filipino heritage to ensure that preservation, restoration and conservation techniques and procedures are in accordance with the accepted international standards set in protecting historical objects and materials. The MRCD shall enrich and update knowledge on restoration and preservation techniques through scientific research. It shall likewise establish linkages between the Philippines and various international bodies engaged in the scientific preservation of historical and cultural objects.

SEC. 23. *Tax Exemption on Donations.* – The provisions of any general or special law to the contrary notwithstanding:

(a) The NHCP shall be exempt from all taxes on its income;

(b) All donations in any form to the NHCP shall be exempt from the donor's tax and the same shall be considered as allowable deduction from the gross income in the computation of the income tax of the donor, in accordance with the provisions of Republic Act No. 8424, otherwise known as the National Internal Revenue Code of 1997, as amended; and

(c) Importation of scientific, philosophical, historical and cultural books, supplies and materials for the use in the conservation or preservation work of the NHCP and duly certified by the Board, shall be exempt from customs duties.

SEC. 24. *Revolving Fund.* – The income of the NHCP not exceeding the amount of One million pesos (P1,000,000.00) derived from the proceeds of publications, park entrance fees and donations, the rendering of technical services, conferences and workshops and similar income shall be constituted as a revolving fund to augment the projects where the income was derived subject to government auditing rules and regulations: *Provided*, That proceeds in excess of the aforementioned amount shall be remitted to the National Treasury and accrue to the General Fund.

SEC. 25. *Funding Provision.* – The amount necessary for the effective implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 26. *Transitory Provisions.* – The incumbent Chairman, Executive Director and Deputy Executive Directors of the NHI shall continue to serve in their respective capacities as the Chairman, Executive Director and Deputy Executive Directors of the herein established NHCP for one (1) year after the effectivity of this Act or until a new Chairman and Executive Director shall have been appointed by the President and the two (2) new Deputy Executive Directors shall have been appointed by the Board.

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

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

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

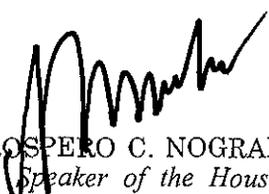
SEC. 27. *Implementing Rules and Regulations.* – The NHCP, in consultation with the other government agencies mentioned in this Act, shall promulgate the implementing rules and regulations within ninety (90) days after the effectivity of this Act.

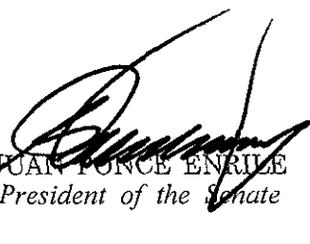
SEC. 28. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SEC. 29. *Repealing Clause.* – The pertinent provisions of Presidential Decree No. 1, series of 1972 and all other laws, decrees, executive orders and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

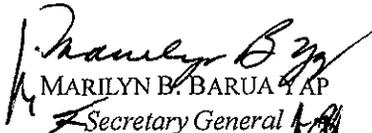
SEC. 30. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,


PROSPERO C. NOGRALES
*Speaker of the House
of Representatives*

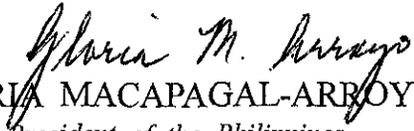

JUAN PONCE ENRILE
President of the Senate

This Act which is a consolidation of Senate Bill No. 3472 and House Bill No. 6378 was finally passed by the Senate and the House of Representatives on January 26, 2010 and January 27, 2010, respectively.


MARILYN B. BARUA TAP
Secretary General
House of Representatives


EMMA LIRIO-REYES
Secretary of the Senate

Approved: MAY 12 2010


GLORIA MACAPAGAL-ARROYO
President of the Philippines

O




PGMA Hologram # 57055