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SENATE

COMMITTEE REPORT NO. 244 ~~244~~ DIVIDED BY 

Submitted Jointly by the Committees on Education, Arts and Culture; Finance; Foreign Relations; Urban Planning, Housing and Resettlement; and Ways and Means on JAN 26 2009

Re: Senate Bill No. 3014 (Prepared by the Committees)

Recommending its approval in substitution of S. B. Nos. 66, 161, 464, 468, 478, 575, 1090, 1093, 1619, 1908, 1941, 1942, and 1994.

Sponsors: Senator Mar Roxas and Senator Edgardo J. Angara

**Mr. President:**

The Committees on Education, Arts and Culture; Finance; Foreign Relations; Urban Planning, Housing and Resettlement; and Ways and Means to which were primarily and secondarily referred Senate Bill No. 66, introduced by Senator Angara, 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,”**

Senate Bill No. 161, introduced by Senator Revilla Jr., entitled:

**“AN ACT  
PROVIDING FOR THE IMPROVEMENT AND STRENGTHENING OF THE  
NATIONAL HISTORICAL INSTITUTE, AND FOR OTHER PURPOSES,”**

Senate Bill No. 464, introduced by Senator Estrada, entitled:

**“AN ACT  
AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED FORTY  
EIGHT HUNDRED AND FORTY SIX (R.A. 4846), AS AMENDED OTHERWISE  
KNOWN AS THE “CULTURAL PROPERTIES PRESERVATION AND  
PROTECTION ACT,”**

Senate Bill No. 468, introduced by Senator Estrada, 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 RESOURCE CENTERS ABROAD, AND THE CREATION OF A COMMITTEE ON HERITAGE AND CULTURE FOR OVERSEAS FILIPINOS, AND APPROPRIATING FUNDS THEREFOR,”**

Senate Bill No. 478, introduced by Senator Estrada, entitled:

**“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,”**

Senate Bill No. 575, introduced by Senator Estrada, entitled:

**“AN ACT  
PROVIDING FOR THE IMPROVEMENT AND STRENGTHENING OF THE NATIONAL HISTORICAL INSTITUTE, AND FOR OTHER PURPOSES,”**

Senate Bill No. 1090, introduced by Senator Legarda, entitled:

**“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,”**

Senate Bill No. 1093, introduced by Senator Legarda, entitled:

**“AN ACT  
REQUIRING ANY PERSON, ASSOCIATION, CORPORATION, OR ENTITY TO SECURE THE NECESSARY CLEARANCE OR PERMIT FROM THE NATIONAL HISTORICAL INSTITUTE (NHI) BEFORE COMMENCING ANY CONSTRUCTION OR REAL ESTATE DEVELOPMENT PROJECTS IN AREAS IDENTIFIED, DESIGNATED AND APPROPRIATELY MARKED AS HISTORICAL PLACES OR IN AREAS PROXIMATE THERETO, PROVIDING PENALTIES FOR VIOLATION,”**

Senate Bill No. 1619, introduced by Senator 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,”**

Senate Bill No. 1908, introduced by Senator Santiago, entitled:

**“AN ACT  
ESTABLISHING THE NATIONAL MUSEUM FOR WOMEN, DEFINING ITS POWERS AND APPROPRIATING FUNDS THEREFOR,”**

Senate Bill No. 1941, introduced by Senator Villar, entitled:

**“AN ACT  
ORDAINING A PHILIPPINE CULTURAL HERITAGE ACT OF 2007,”**

Senate Bill No. 1942, introduced by Senator Villar, entitled:

**“AN ACT  
TO CONSERVE, PROMOTE AND POPULARIZE THE PHILIPPINES’  
HISTORICAL AND CULTURAL HERITAGE AND RESOURCES,  
STRENGTHENING FOR THE PURPOSE THE NATIONAL HISTORICAL  
INSTITUTE AND FOR OTHER PURPOSES,”**

Senate Bill No. 1994, introduced by Senator Trillanes IV, entitled:


**“AN ACT  
TO PROTECT, CONSERVE, PROMOTE AND POPULARIZE THE NATION’S  
HISTORICAL AND CULTURAL HERITAGE AND RESOURCES, AS WELL AS  
ARTISTIC CREATIONS BY EXACTING A PERFORMANCE FEE FROM FOREIGN  
PERFORMERS AND ALLOCATING THE PROCEEDS THEREOF TO THE NATIONAL  
COMMISSION ON CULTURE AND ARTS, AND FOR OTHER PURPOSES.”**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, S.B. No. 3014, prepared by the Committees, entitled:

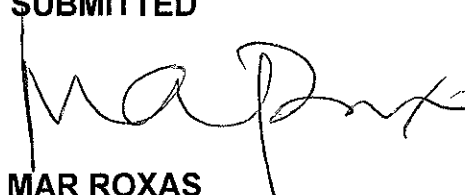
**“AN ACT  
PROVIDING FOR THE PROTECTION AND CONSERVATION OF THE NATIONAL  
CULTURAL HERITAGE, STRENGTHENING THE NATIONAL COMMISSION FOR  
CULTURE AND THE ARTS (NCCA), AND ITS AFFILIATED CULTURAL AGENCIES,  
AND FOR OTHER PURPOSES”**

be approved in substitution of S. B. Nos. 66, 161, 464, 468, 478, 575, 1090, 1093, 1619, 1908, 1941, 1942 and 1994, with Senators Angara, Revilla Jr., Estrada, Legarda, Villar, Santiago, Trillanes IV and Roxas as authors thereof.

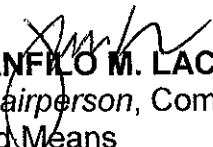
**RESPECTFULLY SUBMITTED**


  
**EDGARDO J. ANGARA**


*Chairperson, Committee on Finance  
Member, Committee on Education,  
Arts and Culture  
Member, Committee on Ways and Means  
Member, Committee on Foreign Relations  
Member, Committee on Urban Planning,  
Housing and Resettlement*

  
**MAR ROXAS**

*Chairperson, Committee on Education,  
Arts and Culture  
Member, Committee on Finance  
Member, Committee on Ways and  
Means  
Member, Committee on Foreign  
Relations*

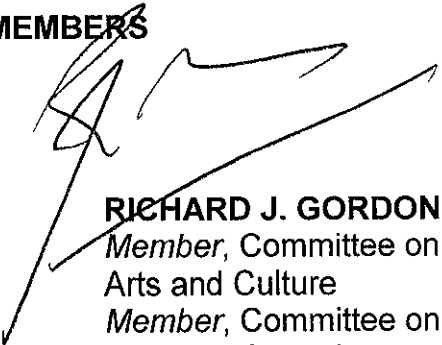
  
**PANFILO M. LACSON**  
*Chairperson, Committee on Ways and Means*  
*Member, Committee on Finance*

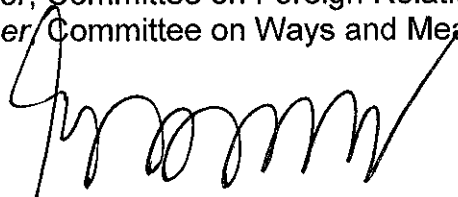
  
**MIRIAM DEFENSOR SANTIAGO**  
*Chairperson, Committee on Foreign Relations*  
*Vice Chair, Committee on Finance*  
*Chair, Sub-Committee B and Sub-Committee C, Committee on Finance*

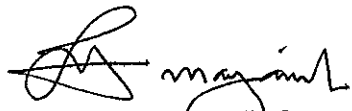
  
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*Member, Committee on Foreign Relations*  
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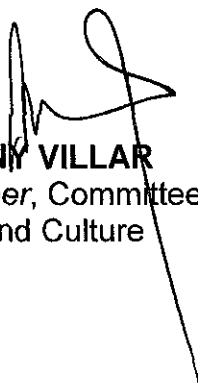
  
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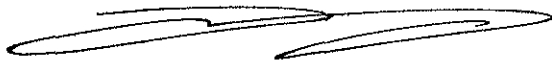
**MANUEL M. CAPID**  
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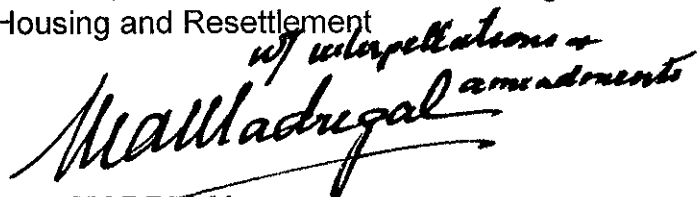
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**ALAN PETER S. CAYETANO**  
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*with interpellations  
w/ amendments*



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Means*  
*Member, Committee on Urban Planning,  
Housing and Resettlement*

*w/ interpellations +  
amendments*

**BENIGNO S. AQUINO III**

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Relations  
Member, Committee on Ways and  
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**EX-OFFICIO MEMBERS**

**JINGGOY EJERCITO ESTRADA**

*President Pro-Tempore*

**JUAN MIGUEL F. ZUBIRI**

*Majority Leader*

**AQUILINO Q. PIMENTEL, JR.**

*Minority Leader*

**HON. JUAN PONCE ENRILE**

*President  
Senate of the Philippines  
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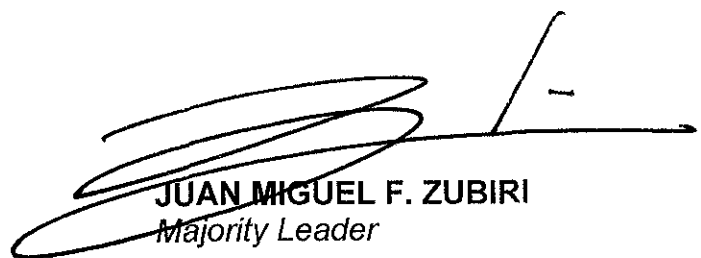
**ANTONIO F. TRILLANES IV**

*Member, Committee on Finance  
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Relations  
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*President Pro-Tempore*



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*Majority Leader*

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*Minority Leader*

**HON. JUAN PONCE ENRILE**  
*President*  
Senate of the Philippines  
Pasay City

9 JAN 26 AM 11:26

SENATE

S. B. No. 3014

RECEIVED BY 

(In substitution of Senate Bill Nos. 66, 161, 464, 468, 478, 575, 1090, 1093, 1619, 1908, 1941, 1942, and 1994.)

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Introduced by Senators Angara, Revilla Jr., Estrada, Legarda, Villar, Santiago, Trillanes IV, and Roxas, and Members of the Committees on Education, Arts and Culture; Finance; Foreign Relations; Urban Planning, Housing and Resettlement; and Ways and Means

---

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 Cultural Heritage  
2 Act of 2009."

3 **ARTICLE I**

4 **POLICIES AND PRINCIPLES**

5 **SEC. 2. *Declaration of Principles and Policies.*** - Sections 14, 15, and 16,  
6 and 17, Article XIV of the 1987 Constitution declare that the State shall foster the  
7 preservation, enrichment, and dynamic evolution of a Filipino culture based on the  
8 principle of unity in diversity in a climate of free artistic and intellectual expression. It  
9 shall conserve, develop, promote and popularize the nation's historical and cultural  
10 heritage and resources, as well as artistic creations. Further, all the country's artistic  
11 and historic wealth constitutes the cultural treasure of the nation and shall be under the  
12 protection of the State, which may regulate its disposition.

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



- 1 a) Protect, preserve, conserve and promote the nation's cultural heritage.  
2 its property and histories, and the ethnicity of local communities;  
3 b) Establish and strengthen cultural institutions; and  
4 c) Protect cultural workers and ensure their professional development and  
5 well-being.

6 The State shall likewise endeavor to create a balanced atmosphere where the  
7 historic past co-exists in harmony with modern society. It shall approach the problem of  
8 conservation in an integrated and holistic manner, cutting across all relevant disciplines  
9 and technologies. The State shall further administer the heritage resources in a spirit of  
10 stewardship for the inspiration and benefit of the present and future generations.

11

12

## ARTICLE II

13

### DEFINITION OF TERMS

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

- 16 a) **“Adaptive Re-use”** refers to the utilization of buildings, other built-structures,  
17 and sites of value for purposes other than that for which they were intended  
18 originally, in order to conserve the site, their engineering integrity and  
19 authenticity;
- 20 b) **“Anthropological Area”** refers to any place where studies of specific ethno-  
21 linguistic groups are undertaken, the properties of which are of value to our  
22 cultural heritage;
- 23 c) **“Antique”** refers to a cultural property found locally which is one hundred  
24 years in age, more or less, the production of which has ceased;
- 25 d) **“Archaeological Area”** refers to any place, whether above or under ground,  
26 underwater or at sea level, containing fossils, artifacts, and other cultural,  
27 geological, botanical, zoological materials which depict and document  
28 culturally relevant paleontological, prehistoric and/or historic events;
- 29 e) **“Archives”** are public and private records in any format which have been

1 selected for permanent preservation because of their evidential, historical  
2 informational value; otherwise known as archival materials collections or  
3 archival holdings; the place (building/room/storage area) where archival  
4 materials are kept and preserved; and an organization or agency or part  
5 thereof whose main responsibility is to appraise, arrange, describe, conserve,  
6 promote and make archival materials available for reference and research,  
7 also known as archival agency;

8 (f) **"Built Heritage"** refers to architectural and engineering structures, such as  
9 but not limited to bridges, government buildings, houses of ancestry,  
10 traditional dwellings, technological and industrial complexes, and their  
11 settings, and landscapes with notable historical and cultural significance;

12 (g) **"Collector"** refers to any person who or institution that acquires cultural  
13 property for purposes other than sale;

14 (h) **"Commission"** shall refer to the National Commission for Culture and the  
15 Arts (NCCA);

16 (i) **"Conservation"** refers to all the processes and measures of maintaining the  
17 cultural significance of a cultural property, including but not limited to,  
18 preservation, restoration, reconstruction, protection, adaptation or any  
19 combination thereof;

20 (j) **"Cultural Education"** refers to the teaching and learning of cultural concepts  
21 and processes;

22 (k) **"Cultural Heritage"** refers to the totality of cultural property preserved and  
23 developed through time and passed on to posterity;

24 (l) **"Cultural Heritage Worker"** refers to an individual undertaking cultural  
25 heritage work;

26 (m) **"Cultural Institution"** refers to entities engaged primarily in cultural work;

27 (n) **"Cultural Property"** refers to all products of human creativity by which a  
28 people and a nation reveal their identity, including natural history specimens  
29 and sites, whether public or privately-owned, movable or immovable, and

1 tangible or intangible;

2 1) **"Tangible Cultural Property"** refers to a cultural property with historical,  
3 archival, anthropological, archaeological, artistic and architectural value,  
4 and with exceptional or traditional production, whether of Philippine origin  
5 or not, including antiques and natural history specimens with significant  
6 value; and

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

12 (o) **"Dealers"** refers to natural or juridical persons who acquire cultural property  
13 for the purpose of engaging in the acquisition and disposition of the same;

14 (p) **"Heritage Zone"** refers to historical, anthropological, archaeological, artistic  
15 geographical areas and settings that are culturally significant to the country or  
16 a particular locality;

17 (q) **"History"** refers to a written record of past events relating to Philippine  
18 history;

19 (r) **"Historical Landmarks"** refer to sites or structures that are associated with  
20 events or achievements significant to Philippine History;

21 (s) **"Historical Monuments"** refer to structures that honor illustrious persons or  
22 commemorate events of historical value;

23 (t) **"Historical Shrines"** refer to historical sites or structures hallowed and  
24 revered for their history or association;

25 (u) **"Historical Street Name"** refers to a street name which has been in  
26 existence for at least fifty (50) years;

27 (v) **"Important Cultural Property (ICP)"** refers to a cultural property having  
28 exceptional cultural, artistic, and historical significance to the Philippines, as  
29 shall be determined by the Commission through the appropriate cultural

1 agency ;

2 (w) **"Intangible Cultural Heritage (ICH)"** refers to the practices,  
3 representations, expressions, knowledge, skills - as well as the instruments,  
4 objects and artifacts associated therewith - that communities, groups and  
5 individuals recognize as part of their cultural heritage, such as a) oral  
6 traditions, languages, and expressions; b) performing arts; c) social practices,  
7 rituals, and festive events; d) knowledge and practices concerning nature and  
8 the universe; and e) traditional craftsmanship;

9 (x) **"Library"** refers to an institution where the collection of books, manuscripts,  
10 computerized information, and other materials are organized to provide  
11 physical, bibliographic, and/or intellectual access to the public, with a librarian  
12 that is trained to provide services and programs related to the information  
13 needs of its clientele;

14 (y) **"Museum"** refers to a permanent institution that researches, acquires,  
15 conserves, communicates, and exhibits the material evidence of humans and  
16 their environment for purposes of education or leisure;

17 (z) **"National Cultural Treasure"** refers to a unique cultural property found  
18 locally, possessing outstanding historical, cultural, artistic and/or scientific  
19 value which is highly significant and important to the country and nation, and  
20 officially declared as such by pertinent cultural agency;

21 (aa) **"Natural Property of Cultural Significance"** refers to areas possessing  
22 outstanding ecosystem with flora and fauna of national scientific importance  
23 under the National Integrated Protected Areas System (NIPAS);

24 (bb) **"NCCA Portal Cultural Databank"** refers to the specific domain in the  
25 Commission's intranet for cultural information that is accessed only internally  
26 with control and confidentiality. It includes the registry of national cultural  
27 property.

28 (cc) **"Pre-history"** refers to the period of human history before the introduction of  
29 the forms of writing;

1 (dd) "**Philippine Registry of Cultural Property (PRECUP)**" refers to the registry  
2 of all cultural property of the country deemed of significant importance to our  
3 cultural heritage; and

4 (ee) "**Restoration**" refers to the action taken or the technical intervention to  
5 correct deterioration and alterations.

### 7 **ARTICLE III**

#### 8 **CULTURAL PROPERTY**

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

- 11 (a) National Cultural Treasures (NCT);
- 12 (b) Important Cultural Property (*ICP*);
- 13 (c) World Heritage Sites (WHS);
- 14 (d) Autonomous/Administrative Region Cultural Property;
- 15 (e) Provincial Cultural Property;
- 16 (f) City/Municipal Cultural Property;
- 17 (g) Barangay Cultural Property;
- 18 (h) National Shrine;
- 19 (i) National Monument; and
- 20 (j) National Landmark.

21  
22 **SEC. 5. Cultural Property Considered Important Cultural Property (ICP).** -  
23 For purposes of protecting a cultural property against exportation, modification or  
24 demolition, the following works shall be considered Important Cultural Property, unless  
25 declared otherwise by the pertinent cultural agency:

26 Unless declared by the Commission,

- 27 (a) Works by a *Manlilikha ng Bayan*;
- 28 (b) Works by a National Artist;

29 Unless declared by the National Museum,

1 (c) Archaeological and traditional ethnographic materials;

2 Unless declared by the National Historical Institute,

3 (d) Works of national heroes;

4 (e) marked structure;

5 (f) Structures dating at least fifty (50) years old; and

6 Unless declared by the National Archives,

7 (g) Archival material/document dating at least fifty (50) years old.

8 The property owner may petition the appropriate cultural agency to remove the  
9 presumption of ICP.

10  
11 **SEC. 6. *World Heritage Sites (WHS)*.** - The WHS in the Philippines shall be  
12 under the jurisdiction of the Commission, which shall have the power to regulate and  
13 supervise its conservation.

14  
15 **SEC. 7. *Privileges for Cultural Property*.** - All cultural properties declared as  
16 National Cultural Treasures (NCT) shall be entitled to the following privileges:

- 17 a) Priority government funding for protection, conservation and restoration;
- 18 b) Incentive for private support of conservation and restoration through the  
19 Commission's Conservation Incentive Program for National Cultural Property;
- 20 c) An official Heritage Marker placed by the cultural agency concerned indicating  
21 that the immovable cultural property has been identified as NCT; and
- 22 d) In times of armed conflict, natural disasters, and other exceptional events that  
23 endanger the cultural heritage of the country, all National Cultural Treasures  
24 shall be given priority protection by the Government.

25 All cultural properties declared as Important Cultural Property may also receive  
26 government funding for its protection, conservation, and restoration. An official Heritage  
27 Marker shall likewise be placed on an immovable cultural property to identify the same  
28 as ICP.

29

1           **SEC. 8. Procedure for Declaration, or De-Listing of National Cultural**  
2 **Treasures or Important Cultural Property.** - The procedure in declaring as well as in  
3 delisting a National Cultural Property or an Important Cultural Property shall be as  
4 follows:

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

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

15           (c) The owner and/or other stakeholders shall file their position paper within  
16 fifteen (15) days from receipt of the notice of hearing, furnishing all the  
17 parties, including the appropriate cultural agency, with such position paper.  
18 Extensions may be allowed, but in no case shall it exceed more than thirty  
19 (30) days; and

20           (d) The petitioner/stakeholder shall give their answer within fifteen (15) days  
21 upon receipt of any position paper. Thereafter, no further submissions shall  
22 be allowed.

23           (e) The appropriate cultural agency shall have a maximum of ninety (90) days  
24 from the deadline of the submission of all the answers within which to submit  
25 its recommendation before the Commission. Thereafter, the Commission  
26 shall render its decision on the application.

27  
28           **SEC. 9. Right of First Refusal on the Sale of National Cultural Treasures**  
29 **(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 Commission  
2 may likewise match any offer made for the purchase of an NCT.

3  
4 **Sec. 10. Licensing of Dealers of Cultural Property.** - All dealers of cultural  
5 property shall secure a license to operate as such from the appropriate cultural agency  
6 concerned. They shall submit a quarterly inventory of items carried, which shall include  
7 a history of each item. Failure to submit two (2) consecutive inventories shall be a  
8 ground for cancellation of the license. All dealers of Cultural Property shall be subject  
9 to inspection of the concerned cultural agencies.

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

15  
16 **Sec. 11. Dealings of Cultural Property.** - No cultural property shall be sold,  
17 resold, or taken out of the country without first securing a clearance from the cultural  
18 agency concerned. In case the property shall be taken out of the country, it shall solely  
19 be for the purpose of scientific scrutiny or exhibit.

## 20 21 **ARTICLE IV**

### 22 **HERITAGE ZONES**

23  
24 **SEC. 12. Designation of Heritage Zones.** - The Commission, in coordination  
25 with the National Historical Institute, the Housing and Land Use Regulatory Board  
26 (HLURB) or other concerned agencies, shall designate Heritage Zones to protect the  
27 historical and cultural integrity of a geographical area.

28  
29 **SEC. 13. Maintenance of Heritage Zones.** - A Heritage Zone shall be



1 maintained by the local government unit concerned, in accordance with the following  
2 guidelines:

- 3 (a) Implementation of adaptive re-use of cultural property;
- 4 (b) Appearance of streets, parks, monuments, buildings, and natural bodies of  
5 water, canals, paths and Barangays within a Historical Zone shall be  
6 maintained as close to their appearance at the time the area was of most  
7 importance to Philippine History as determined by the National Historical  
8 Institute; and
- 9 (c) Local government units shall document and sustain all socio-cultural practices  
10 such as but not limited to traditional celebrations, historical battles, recreation  
11 of customs, and the re-enactment of battles and other local customs that are  
12 unique to a Historical Zone.

## 14 ARTICLE V

### 15 REGISTRATION AND CONSERVATION OF CULTURAL PROPERTY

16

17 **SEC. 14. *Establishment of a Philippine Registry of Cultural Property***  
18 ***(PRECUP)***. - All cultural property of the country deemed important to cultural heritage  
19 shall be registered in the Philippine Registry of Cultural Property, hereinafter referred to  
20 as "*Registry*".

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

- 25 (a) All cultural agencies concerned shall individually maintain an inventory,  
26 evaluation and documentation of all cultural properties it has declared  
27 according to their category and shall submit the same to the Commission. For  
28 cultural property declared as Immovable Cultural Property, the appropriate  
29 cultural agency shall, after registration, give due notice to the Registry of

1 Deeds having jurisdiction for annotation on the land titles pertaining to the  
2 same;

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

6 (c) Both cultural agencies concerned and local government units shall  
7 continuously coordinate in making entries and in monitoring the various  
8 cultural properties in their respective inventory;

9 (d) All government agencies and instrumentalities, government-owned and/or  
10 controlled corporations and their subsidiaries, including public and private  
11 educational institutions, shall report their ownership and/or possession of  
12 such items to the pertinent cultural agency and shall register such properties  
13 within three (3) years from the effectivity of this Act;

14 (e) Private collectors and owners of cultural property shall register such  
15 properties, within three (3) years from the effectivity of this Act. The private  
16 collectors and owners of cultural property shall not be divested of their  
17 possession and ownership thereof even after registration of said property as  
18 herein required.

19 Information on registered cultural properties owned by private  
20 individuals shall remain confidential and may be given only upon prior  
21 consent of the private owner. The Commission shall operate the Registry in  
22 the NCCA portal cultural databank.

23  
24 **SEC. 15. Conservation of Cultural Property.** – All intervention works and  
25 measures on conservation of National Cultural Treasures, Important Cultural Property,  
26 Autonomous/Administrative Region Cultural Property, Provincial Cultural Property,  
27 City/Municipal Cultural Property and Barangay Cultural Property, as well as monuments  
28 and sites, and structures previously marked by the National Historical Institute before  
29 the implementation of this Act shall be undertaken only upon prior approval of the

1 Commission through the appropriate cultural agency which shall supervise the same.

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

4  
5 **SEC. 16. *Documentation of Traditional and Contemporary Arts.*** - Local  
6 government units shall document traditional and contemporary arts and crafts, including  
7 their processes and makers, and sustain the sources of their raw materials. The local  
8 government units shall encourage and sustain traditional arts and crafts as active and  
9 viable sources of income for the community.

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

16 The LGU concerned shall submit an annual inventory of these documentations to  
17 the Commission, which will be included in the PRECUP, as established in Section 14 of  
18 this Act.

19  
20 **SEC. 17. *Systematic Research in Natural History.*** - The National Museum  
21 shall have the authority to collect, maintain and develop the national reference  
22 collections of Philippine flora and fauna, rocks and minerals through research and field  
23 collection of specimens including Important Cultural Property within the territorial  
24 jurisdiction of the Philippines. It shall be exempt from any and all permit systems  
25 regulating the same.

26 The National Museum shall inform the Department of Environment and Natural  
27 Resources and the Department of Agriculture of such collection. All type of specimens  
28 collected in the Philippine territory shall be deposited in the National Museum.

29

1           **SEC. 18. *Heritage Agreements.*** - The Commission, upon advice of the  
2 concerned cultural agency, may enter into agreements with private owners of cultural  
3 properties with regard to the preservation of said properties.

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

6           (a) Public access to the property;

7           (b) Value of the encumbrance;

8           (c) Duration of the servitude of the property;

9           (d) Restriction of the right of the owner or occupant to perform acts on or near the  
10 place;

11           (e) Maintenance and management of the property;

12           (f) Provision of financial assistance for the conservation of the property;

13           (g) Procedure for the resolution of any dispute arising out of the agreement.

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

16  
17           **SEC. 19. *National Inventory of Intangible Cultural Heritage.*** - The  
18 Commission shall undertake a national inventory of the country's intangible cultural  
19 heritage. Pursuant to this, it shall create an intangible cultural heritage office within its  
20 structure which will pursue the following objectives:

21           (a) Coordinate all efforts of government and private agencies that have forms of  
22 intangible cultural heritage in making the national inventory and working  
23 toward the safeguarding of these forms of heritage; and

24           (b) Undertake the responsibilities pertaining to the Philippines as provided for by  
25 relevant provisions of the UNESCO Convention for the Safeguarding of the  
26 Intangible Cultural Heritage.

27  
28           **SEC. 20. *Immovable National Cultural Treasures.*** - National Cultural  
29 Treasures, which are immovable, shall not be relocated, rebuilt, defaced or otherwise

1 changed in a manner, which would destroy the property's dignity and authenticity,  
2 except to save such property from destruction due to natural causes.

3 The site/sites referred to in this provision may only be moved after securing a  
4 permit from the Commission or the appropriate cultural agency.

5  
6 **SEC. 21. *Indigenous properties.*** - The Commission, in coordination with the  
7 National Commission on Indigenous Peoples, shall establish a program and promulgate  
8 regulations to assist indigenous people in preserving their particular cultural and  
9 historical properties.

10  
11 **SECTION 22. *Renaming of Historical Streets, Buildings Designated as***  
12 ***Cultural Treasure or Important Cultural Property.*** - The names of historical streets,  
13 parks, buildings, shrines, landmarks, monuments and sites designated as national  
14 Cultural Treasures or Important Cultural Property shall not be allowed to be re-named  
15 by a local or national legislation, unless approved by the National Historical Institute,  
16 and only after due hearing on the matter. Furthermore, for changes of names done to  
17 historical streets, parks, buildings, shrines, landmarks, monuments, and sites prior to  
18 the effectivity of this act, the NHI may direct the local government units to restore their  
19 original names, also after due hearing.

## 20 21 **ARTICLE VI**

### 22 **POWERS OF THE COMMISSION/CULTURAL AGENCIES**

23  
24 **SEC. 23. *Power to Issue a Cease and Desist Order (CDO).*** - When the  
25 physical integrity of the NCTs or ICPs are found to be in danger of destruction or  
26 modification from its original state, the Commission, through the appropriate cultural  
27 agency, shall immediately issue a Cease and Desist Order suspending all activities that  
28 will affect the cultural property. The local government unit which has the jurisdiction over  
29 the site where the immovable cultural property is located shall report the same to the

1 Commission immediately upon discovery and shall promptly adopt measures to secure  
2 the integrity of such immovable cultural property. The suspension of the activities shall  
3 be lifted only upon the written authority of the appropriate cultural agency after due  
4 notice and hearing involving as many of the interested parties and stakeholders as  
5 possible.

6  
7 **SEC. 24. Power to Issue Compulsory Repair Order (CRO).** - When a  
8 privately-owned heritage site cannot be maintained by the owner or has fallen into  
9 disrepair thru neglect to such an extent that it will lose its potential for conservation, the  
10 Commission, through the appropriate cultural agency, may serve on the owner or  
11 occupant of such property, an order to repair or maintain such site. If the owner fails to  
12 comply with said order within 30 to 45 days, repairs may be undertaken by the  
13 Commission for the account of the owner. If said owner fails to reimburse the  
14 Commission, the property or portions thereof shall be forfeited in its favor in accordance  
15 with the amount spent for the repair after computing interest thereon.

16  
17 **SEC. 25. Visitorial Powers.** - The cultural agencies concerned, through the  
18 Commission, are hereby given the power to inspect National Cultural Treasures and  
19 Important Cultural Property at any time to ensure the protection and integrity of such.  
20 They may also inspect public or private collections or objects that may be categorized  
21 as cultural property.

22  
23 **SEC. 26. Power to Deputize Other Government Agencies.** - The cultural  
24 agencies concerned, through the Commission, shall have the power to deputize the  
25 Philippine National Police (PNP), National Bureau of Investigation (NBI), Armed Forces  
26 of the Philippines (AFP), Philippine Coast Guard (PCG), and other local or national law  
27 enforcement agencies, including the Bureau of Fisheries' agents, the Department of the  
28 Environment and Natural Resources' rangers, the Bureau of Customs and Immigrations  
29 agents, members of the Office of the Special Envoy on Transnational Crimes and other

1 such agencies and their successors in interest, to enforce the provisions of this Act and  
2 its implementing rules and regulations. The said agencies shall, upon the request of the  
3 Commission, immediately detail their respective personnel to protect the cultural items  
4 under the National Registry.

5 Failure to follow deputization order of the Commission or the concerned cultural  
6 agency shall be penalized in accordance with Section 41 herein.

7  
8 **SEC. 27. Power to Expropriate.** - The Commission, through the appropriate  
9 agency and after Consultation with the Secretary of Finance, may expropriate property  
10 for its conservation or for any other purpose under this Act.

11  
12 **SEC. 28. Anthropological Research and Archaeological**  
13 **Exploration/Excavation.** -

14 (a) The Commission through the National Museum shall regulate and control all  
15 anthropological research conducted by foreigners; and all archaeological  
16 excavation or exploration. Pursuant to the foregoing, the Commission shall  
17 deputize other agencies to protect archaeological and anthropological sites.

18 It shall be guided by the following rules:

19 (1) All cultural property found in terrestrial and / or underwater archaeological  
20 sites belong to the State.

21 (2) No terrestrial and/or underwater archaeological explorations and excavations  
22 for the purposes of obtaining materials and data of cultural value shall be  
23 undertaken without written authority and direct site supervision by  
24 archaeologists and/or representatives of the National Museum;

25 (3) All anthropological researches, for the purpose of obtaining materials and  
26 data of cultural value and where the principal proponent is a foreign national  
27 shall be undertaken only with the authority, and under the supervision of the  
28 Commission through the National Museum. Anthropological research by  
29 Philippine nationals, especially members of the indigenous communities shall

1 be encouraged;

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

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

10 (6) All mining activities inside caves, rock shelters and any such other areas  
11 shall require a written permit and clearance from the National Museum. An  
12 appropriate prior inspection by representatives of the National Museum.  
13 funded by the company applying for a mining right, shall be required to  
14 ensure that no archaeological materials are present and, possibly, destroyed;

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

19 (8) All treasure hunting permits and licenses shall be issued by the Commission  
20 through the National Museum, which shall formulate the rules and regulations  
21 to adequately control, regulate and monitor all applicants for such  
22 undertakings; and

23 (9) The provisions of this Heritage Act on explorations and excavations of  
24 terrestrial and underwater archaeological sites shall supersede all local,  
25 municipal, regional and autonomous regional governments resolutions and  
26 ordinances.

27  
28 (b) When the presence of any cultural property is discovered, the Commission,  
29 through, the National Museum, shall immediately suspend all activities that will



1 affect the site and shall immediately notify the LGU having jurisdiction of the  
2 place where the discovery was made. The local government shall promptly  
3 adopt measures to protect and safeguard the integrity of the cultural property so  
4 discovered and within five (5) days from the discovery shall report the same to  
5 the appropriate agency. The suspension of these activities shall be lifted only  
6 upon the written authority of the Commission, through the National Museum and  
7 only after the systematic recovery of the archaeological materials.

8 (c) The Commission, through the National Museum, shall provide incentives for  
9 persons who discover and report heretofore unknown archaeological sites, in  
10 accordance with its rules and regulations implementing the provisions of this Act.

11 (d) Any government or non-government infrastructure project or architectural site  
12 development shall include anthropological, archaeological, and historical and  
13 heritage site conservation concerns in their Environmental Impact Assessment  
14 System (EIAS). For this purpose, one percent of the total budget of the  
15 program/project shall be held in reserve to underwrite the cost of the study, and  
16 the project proponent shall file with the Commission through the National  
17 Museum the appurtenant bond guaranteeing the same.

## 18 19 **ARTICLE VII**

### 20 **ROLE OF CULTURAL AGENCIES**

21  
22 **SEC. 29. Responsibilities of Cultural Agencies for Designation of Cultural**  
23 **Property.** - The cultural agencies, conformably with their respective charters, shall  
24 define and delineate their respective areas of responsibility with respect to cultural  
25 property and assessment of National Cultural Treasures. These areas shall be subject  
26 to periodic re-assessment whenever necessary.

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

29 (a) The Cultural Center of the Philippines (CCP) shall be responsible for cultural

1 property pertaining to the performing arts;

2 (b) The National Archives of the Philippines (*NAP*) shall be responsible for  
3 archival materials;

4 (c) The National Library (*TNL*) shall be responsible for rare and contemporary  
5 books, manuscripts such as, but not limited to, presidential papers.  
6 periodicals, newspapers, singly or in collection, and libraries and electronic  
7 records;

8 (d) The National Historical Institute (*NHI*) shall be responsible for movable and  
9 immovable cultural property that pertains to Philippine History;

10 (e) The National Museum (*NM*) shall be responsible for movable and immovable  
11 cultural and natural property pertaining to collections of Fine Arts,  
12 Archaeology, Anthropology, Botany, Geology, Zoology and Astronomy,  
13 including its conservation aspect; and

14 (f) The Komisyon sa Wikang Filipino (*KWF*) shall be responsible for the  
15 propaganda, development, and promotion of the Filipino national language  
16 and the conservation of ethnic languages;

17  
18 **SEC. 30. Institutional Linkages of the Commission.** - The cultural agencies  
19 and other national government agencies, as listed below, shall consult, coordinate and  
20 work closely with the Commission in the implementation of their respective  
21 programs/projects in the context of this Act. Furthermore, the Commission may link up  
22 with other agencies and institutions, as it may deem appropriate, as a way of dealing  
23 with conservation on a holistic manner.

24 (a) The Department of Tourism (*DOT*), and its attached agencies, which shall be  
25 responsible for cultural education among tourism services, and protection of  
26 cultural property supplemental to the jurisdiction of the cultural agencies as  
27 defined in this Act. The implementation and creation of a tourism master plan  
28 shall be consistent with this Act;

29 (b) The Intramuros Administration (*IA*) which shall be responsible for the

1 restoration and administration of the development in Intramuros;

2 (c) The National Parks Development Committee (*NPDC*), as an attached agency  
3 of the DOT, which shall be responsible in supervising the development  
4 (beautification, preservation and maintenance) of Quezon Memorial, Fort  
5 Santiago, Luneta, Paco Park, Pook ni Maria Makiling and other national parks  
6 and satellite projects;

7 (d) The Department of Education (*DepEd*) which shall be responsible in  
8 instituting the governance of basic education act, and the conservation and  
9 restoration of DepEd's built heritage such as the Gabaldon Schools and  
10 Houses;

11 (e) The Department of Public Works and Highways (*DPWH*) which shall be  
12 responsible in undertaking major infrastructure projects specifically in the  
13 planning, design, construction, and maintenance of national roads and  
14 bridges as they impact on heritage structures or aspects of heritage  
15 conservation;

16 (f) The National Commission on Indigenous Peoples (*NCIP*), in behalf of the  
17 country's indigenous cultural communities, which shall coordinate with the  
18 national agencies on matters pertaining to Cultural Property under its  
19 jurisdiction;

20 (g) The Department of Environment and Natural Resources (*DENR*) which shall  
21 be responsible for the establishment and management of the National  
22 Integrated Protected Areas System (*NIPAS*) and the conservation of wildlife  
23 resources, including cave and cave resources;

24 (h) The Department of the Interior and Local Government (*DILG*) which shall  
25 coordinate with the national cultural agencies on matters pertaining to Cultural  
26 Property under its jurisdiction, and ensure that the provisions of this Act is  
27 properly executed by the local government unit;

28 (i) The Office of the Muslim Affairs (*OMA*) which shall coordinate with the national  
29 cultural agencies on matters pertaining to Cultural Property under its

1 jurisdiction;

2 (j) The United Nations Educational Scientific Cultural Organization-National  
3 Commission of the Philippines (*UNESCO-NCP*) which shall be responsible for  
4 providing the liaison between the cultural agencies of the Philippines and  
5 UNESCO;

6 (k) The Housing and Land Use Regulatory Board (*HLURB*) which shall  
7 coordinate with the local government units and the Commission on matters  
8 pertaining to the establishment and maintenance of *Heritage Zones*;

9 (l) The Autonomous Regional Government in Muslim Mindanao (*ARMM*) and the  
10 Cordillera Administrative Region (*CAR*) which shall coordinate with the  
11 national cultural Agencies on matters pertaining to Cultural Property under  
12 their respective jurisdictions; and

13 (m) The Office of the Special Envoy on Transnational Crimes (*OSETC*) which  
14 shall have the oversight and operational capacity to go after illicitly trafficked  
15 and stolen cultural treasures.

16  
17 **SEC. 31. *Incorporation of Cultural Property Programs in LGU Budgets.* -**

18 The local government units shall incorporate programs and budgets for the conservation  
19 and preservation of Cultural Property in their environmental, educational and cultural  
20 activities.

21  
22 **SEC. 32. *Training Programs.* -** The Commission, in coordination with the  
23 appropriate cultural agencies shall provide general training programs on conservation to  
24 the local government units which have established cultural heritage programs and  
25 projects in their localities.

26  
27 **ARTICLE I X**

28 **CULTURAL PROPERTY INCENTIVES PROGRAM**

29

1           **SEC. 33. Tax Exemption for Private Individuals and Institutions.** - Any gift or  
2 donation by private individuals or institutions to cultural agencies, as certified by the  
3 Commission, shall be deductible from the gross taxable income of the donor for any of  
4 the following cultural programs or purposes:

- 5           a) purchase or acquisition of a cultural property, a National Cultural Treasure or  
6           an Important Cultural Property for the account of the Commission;
- 7           b) support for scientific and cultural research on anthropological projects,  
8           explorations and archaeological excavations for the Commission and its  
9           cultural agencies and accredited academic and research institutions;
- 10          c) cultural, archaeological, anthropological, historical research and exhibitions  
11          and performances for the Commission and cultural agencies;
- 12          d) purchase and acquisition of equipment, instruments and materials for  
13          conservation purposes for cultural agencies;
- 14          (e) cultural education programs and scholarships; and
- 15          (f) maintenance of Heritage Zones.

16  
17           *Provided,* That the deduction shall be equivalent to 150 percent of the value of  
18 such donation: *Provided further,* That other tax incentives shall be promulgated for  
19 owners of real estate that have been marked or identified as national cultural treasure or  
20 important cultural treasure: *Provided finally,* That the Commission, in coordination with  
21 the Department of Finance, shall promulgate the necessary implementing guidelines to  
22 carry out the purpose of this Section.

23  
24           **SEC. 34. National Heritage Resource Assistance Program.** - The Commission  
25 may provide financial assistance in the form of a grant to historic, archaeological,  
26 architectural, artistic organizations for conservation or research on cultural property. No  
27 grant made pursuant to this Act shall be treated as taxable income.

28  
29           **SEC. 35. Awards and Citations.** - To encourage preservation of the national

1 heritage, the Commission shall establish an annual conservation recognition program  
2 under which monetary prizes, awards and citations will be given by the President of the  
3 Philippines, upon the recommendation of the Commission, for special achievements  
4 and important contributions and services in the area of heritage preservation and  
5 conservation efforts.

6  
7 **ARTICLE X**

8 **CULTURAL EDUCATION**

9  
10 **SEC. 36. *Incorporation of National Cultural Treasures and Important***  
11 ***Cultural Property in the Basic Education System.*** - Within one (1) year from the  
12 effectivity of this Act, the Department of Education in coordination with the  
13 Commission's Philippine Cultural Education Program, shall formulate the cultural  
14 heritage education programs both for local and overseas Filipinos to be incorporated  
15 into the formal, alternative and informal education, with emphasis on the protection,  
16 conservation and preservation of cultural heritage property.

17 The Philippine Registry of Cultural Property shall likewise be incorporated into  
18 formal, alternative, and informal education by the provincial and local governments.

19  
20 **SEC. 37. *Cultural Heritage Education Program.*** - Within one (1) year from the  
21 effectivity of this Act, the Department of Education in coordination with the Commission  
22 shall set forth in its teaching programs nationwide the following cultural heritage  
23 education programs with emphasis at the provincial, city and municipal levels:

- 24 (a) Protection, conservation and preservation of cultural heritage properties;  
25 (b) Instructional materials in prints, film and broadcast media on the cultural and  
26 historical significance of cultural properties; and  
27 (c) Visitation, public accessibility and information dissemination on designated  
28 local cultural properties.

29

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

10  
11   **ARTICLE XI**

12                                 **CULTURAL HERITAGE WORKERS' INCENTIVES PROGRAM**

13  
14         **SEC. 39. Cultural Heritage Workers' Incentives.** - The Commission through  
15 the cultural agencies shall institute scholarships, educational training programs, and  
16 other measures to protect the well being of curators, conservators, authenticators and  
17 valuers/appraisers of cultural property and other cultural heritage workers.

18         (a) *Program for Cultural Heritage Workers.* Within ninety (90) days from the  
19 effectivity of this Act, the Commission through the cultural agencies  
20 concerned shall come up with the following:

- 21                 1) An active Roster of Authenticators and Valuers/Appraisers;  
22                 2) An education and training plan for conservators, authenticators,  
23 valuers/appraisers, and other conservation related workers; and  
24                 3) A general training plan on conservation for local government units.

25         (b) *Application of Scientific Career Merit System.* Cultural heritage workers in the  
26 Civil Service with a Doctorate, Master of Science, or Master of Arts Degree in  
27 fields related to cultural heritage promotion and conservation, shall be given  
28 the rank and benefits of Scientists, subject to qualifying standards equivalent  
29 to those prescribed in the scientific career merit system of the government.

1 A cultural heritage worker involved in science and technology in the government  
2 agencies shall be eligible for the benefits under Republic Act 8439 or the Magna Carta  
3 for Scientists, Engineers, Researchers and other Science and Technology Personnel in  
4 Government. The Commission shall likewise establish a merit award system for non-  
5 civil service cultural heritage workers.

6

7

## ARTICLE XII

8

### PENAL PROVISIONS

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

12 (1) Destroys, demolishes, mutilates or damages any WHS, NCT, ICP, and  
13 archaeological and anthropological sites;

14 (2) Modifies, alters, or destroys the original features of any national shrine,  
15 monument, landmark and other historic edifices and structures, declared,  
16 classified, and marked by the National Historical Institute as such, without the  
17 prior written permission from the Commission. This includes the designated  
18 security or buffer zone, extending five meters from the visible perimeter of the  
19 monument or site;

20 (3) Explores, excavates or undertakes diggings for the purpose of obtaining  
21 materials of cultural historical value without prior written authority from the  
22 National Museum. No excavation or diggings shall be permitted without the  
23 supervision of a certified archaeologist;

24 (4) Appropriates excavation finds contrary to the provisions of the New Civil Code  
25 and other pertinent laws;

26 (5) Imports, sells, distributes, procures, acquires, or exports cultural property  
27 stolen, or otherwise lost against the will of the lawful owner;

28 (6) Illicitly exports cultural property listed in the PRECUP or incorrectly declares  
29 the same during transit; and



1 (7) Deals in cultural property without proper registration and license issued by the  
2 cultural agency concerned.

3  
4 **SEC. 41. Penal Provisions.** - Upon conviction, the offender shall be subject to a  
5 fine of not less than Two Hundred Thousand Pesos (P200,000.00) or imprisonment for  
6 a term of not less than ten (10) years, or both upon the discretion of the Court:  
7 *Provided, That any cultural property attempted to be concealed from registration or*  
8 *those intended to be encumbered or excavated in violation of this Act shall be*  
9 *summarily confiscated and forfeited in favor of the Commission: *Provided further, That if**  
10 *the violation is committed by a juridical person, the president, manager, representative,*  
11 *director, agent or employee of said juridical person responsible for the act shall also be*  
12 *liable for the penalties provided herein: *Provided furthermore, That if the acts are**  
13 *committed by dealers, they shall suffer, in addition to the penalties provide herein, the*  
14 *automatic revocation of their license to operate: *Provided finally, That if the offender is**  
15 *an alien, he shall be placed under the custody of the Commission on Immigration and*  
16 *Deportation for the appropriate proceedings under this Act, and shall be summarily*  
17 *deported after serving his sentence.*

18 All heads of departments, commissions, bureaus, agencies or offices, officers  
19 and/or agents found in violation of the deputization order under Section 26 of this Act  
20 shall upon conviction be subject to a fine of not less than Five Hundred Thousand  
21 Pesos (P500,000.00) and/or imprisonment for a term of not less than fifteen (15) years,  
22 and shall likewise be dismissed from the service.

23 If the offense involves the non-registration of a cultural property such as those  
24 referred to in Section 14, and the non-registration occurs upon or after proper  
25 notification by the Commission or the cultural agency concerned, the offender shall be  
26 subject to a fine of not less than ten thousand pesos (P10,000.00) but not more than  
27 one hundred thousand pesos (P100,000).

28 The concerned head of agency, officer and/or employee of the government  
29 entities mentioned in Section 30 shall be held liable for failure to consult and coordinate

1 with the Commission for the damage to the cultural property resulting from the  
2 implementation of the entity's program/project, and shall be meted the penalty  
3 mentioned in the first paragraph of this section: *Provided*, That the offender/s shall  
4 likewise be asked to pay for the repair or rebuilding of what has been damaged.  
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), including other partners in  
9 the culture and arts sector from the Government Organizations (GOs) and Non-  
10 Government Organizations (NGOs), which shall constitute an additional source of  
11 funding for the National Endowment Fund for Culture and the Arts (NEFCA).  
12

13 **SEC. 43. Repealing Clause.** - The provisions of RA 7356 or the National  
14 Museum Law, Republic Act 9072 or the National Caves and Cave Resources  
15 Management and Protection Act, Presidential Decree No. 1505, RA 7942 or the  
16 Philippine Mining Act of 1995, and any provision of existing laws, rules, decrees and  
17 executive orders inconsistent with the provisions of this Act are hereby repealed and  
18 modified accordingly.  
19

20 **SEC. 44. Separability Clause.** - Any portion or provision of this Act that may be  
21 declared unconstitutional shall not have the effect of nullifying other portions or  
22 provisions hereof as long as such remaining provisions can still subsist and be given  
23 effect.  
24

25 **SEC. 45. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its  
26 complete and full publication in the Official Gazette or in at least two (2) newspapers of  
27 general circulation, whichever comes first.  
28

29 Approved,