


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

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SENATE
S.B. No. ~~926~~

BY: 

Introduced by Senator Jinggoy Ejercito Estrada

EXPLANATORY NOTE

On the remains of Raja Soliman's town, the Spaniards founded a city in 1571 and enclosed it with thick stone walls and a moat. This walled city has been known as Intramuros. Originally a protective enclosure for Spaniards, nineteenth-century Intramuros became the home of many wealthy, native Filipinos. With its many ancient churches, schools and palaces, Intramuros was the heart of the archipelago until World War II when the American artillery and Japanese grenades destroyed these historic walls.

In Tutuban, the Railway Station remains an Industrial-Age landmark in Tondo, Manila as it is one of the few remaining examples of "semi-Victorian Neoclassical" architecture of the 1880's.

The Manila Hotel, built by American William E. Parsons in 1912, is the most historic hotel in the country-the scene of the lavish events of Filipino society and the Commonwealth government, until it was almost fully destroyed during World War II. In 1975, Architect Leandro Locsin restored and extended the hotel, respecting the architecture of the hotel's historical past, while expressing the values of modern Filipinos.

In 1939, American architect Welton Becket designed and built the old Jail Alai building, located along Taft Avenue in Manila. It was one of the oldest Philippine structures which embody national patrimony and stood as an important example of our heritage that characterizes art deco architecture, a style of the thirties.

The Intramuros Tutuban Railway Station, Manila Hotel, the old Jai Alai Building, as well as the Metropolitan Theater and Rizal Park in Manila, form significant portions of our heritage and represents elements of the nation's cultural, social, economic, and political history.

Over the years, however, many of these significant sites and structures have disappeared under the wrecker's ball. The old Jai Alai building was torn down to give way to the construction of the new Hall of Justice. Rizal Park, a place devoted in honor of our National Hero, the great Dr. Jose Rizal, is now under the threat of commercialization with the establishment of fast food chains and restaurants.

Essentially, buildings, districts, cultural landscapes and built heritage are in danger of being destroyed by the ravages of time, unhampered urban development and other factors of modern living. Development projects are being undertaken without considering the historical value of the places.

Hence this bill. This proposed measure seeks to conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations. The bill seeks to establish the National Landmarks Council which shall undertake initiatives that would preserve built heritage as part of our tangible culture for the enjoyment of future generations and to foster pride in Filipino artistry and ingenuity.

There are still many places in the country which should be remembered for their historical, natural, and cultural significance. Yet there are no landmarks that will remind and educate the people of their importance. Thus, the bill mandates the Council to cause an appropriate marker to be attached to the structure of work proclaiming its significance.

Sites, structures, properties and/or landscapes, whether natural or manmade shall be declared as "national landmark" by the Council pursuant to procedures prescribed herein, that are worthy of rehabilitation, restoration and preservation because of their historic, cultural and architectural significance to Philippine society. An Endowment Fund shall be created for the sole purpose of conserving, restoring, preserving, and protecting these national landmarks.

We have witnessed the demolition and destruction of so much of our heritage and historic districts through wars and calamities and mostly by human hands and apathy. And believing that the preservation and conservation of built heritage creates awareness and pride in Philippine culture and history essential to the strengthening of the national identity, there is an urgent need for legislation which would protect our country's historic and landmark buildings, district and sites.

In view of the foregoing, the immediate consideration and approval of this proposed measure is earnestly sought.



JINGGOY EJERCITO ESTRADA
Senator

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SENATE
OFFICE OF THE SECRETARY

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RECEIVED BY: _____

Introduced by Senator Jinggoy Ejercito Estrada

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

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

SECTION 1. *Short Title.* This Act shall be known as the "**National
Landmarks Conservation Act of 2004.**"

SECTION 2. *Declaration of Principle.* - It shall be the policy of the state to
conserve, promote, and popularize the nation's historical and cultural heritage and
resources, as well as artistic creations. All the country's artistic and historic wealth
constitute the cultural treasure of the nation and shall be under the protection of the
State which may regulate its disposition. Pursuant to the mandate of the Constitution
the State shall hereby undertake endeavors that embody that various facets of
Philippine culture.

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

1. ***Architectural Style*** is the mode of the landmark which distinguishes the
same from designs and craftsmanship of other periods, types, methods of
construction, such as the use of indigenous materials;
2. ***Cultural Significance*** is the extreme beauty, unique location or singular
physical characteristics which makes the same recognized as a national icon;

3. **Historical Importance** is the attribute of a landmark which makes the same as significant part of the national or local history, as may be determined by the National Historical Institute, or as independently declared by the Council as mandated under this Act;
4. **National Landmark** are sites, structures, properties, and landscapes, whether natural or manmade, designated as such by national legislation pursuant to procedures prescribed herein, that are worthy of rehabilitation, restoration, and preservation because of their historic , cultural and architectural significance to Philippine Society;
5. **Technological, engineering or construction expertise** is the attribute of the landmark which embodies the highest technology or craftsmanship of an era; and
6. **Utilitarian structure** is the unique framework for which the landmark is known, such as but not limited to farmhouses or other vernacular architecture, gas stations, stadia, warehouses, commercial structures, lighthouses, and other such structures with a high level of architectural significance.

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

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

- a. The Secretary of the Department of Tourism, in his ex-officio capacity as Chairman of the Council;
- b. The Chairman of the National Commission for Culture and the Arts (NCAA), in his ex-officio capacity as Vice Chair;
- c. The Chairman of the National Historical Institute (NHI) , in his ex-officio capacity as Secretary;
- d. The Secretary of the Department of Interior and Local Government (DILG), in his ex-officio capacity as member;
- e. The Executive Director of the National Museum, in his ex-officio capacity as member;
- f. The Executive Director of the Council, who shall be appointed under this Act as member;

- g. The Chairman of the Commission for Cultural Heritage of the United Nations, Educational Scientific Cultural Organization (UNESCO), as member; and
- h. Four (4) members from the private sector who shall be appointed by the President from any of the various concerned non-government organizations, including professional associations.

The non ex-officio members of the Council shall serve their term for six (6) years and shall receive per diem for actual attendance at the meetings of the Council, subject to pertinent government rules on accounting, auditing, and to rates in accordance with existing laws.

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

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

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

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

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

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

The Endowment Fund shall be sourced from the following:

- 1) The amount of two hundred fifty million pesos (P250,000,000.00) as seed capital shall be taken from the Philippine Amusement and Gaming Corporation (PAGCOR), at the rate of ten million pesos a month for twenty-five (25) months; Provided, that no grant shall be awarded from the Endowment Fund except from the interest drawn from the same; Provided, further, that no grant shall be awarded until one (1) year from the establishment of the Endowment Fund; and
- 2) Five percent (5%) from the annual allotment of the travel tax given to the Philippine Tourism Authority.

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

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

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

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

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

If the owners or possessors of registered landmarks refuse, by his act or omission, to abide by the provisions of this Act, or in any manner violate section 12 of this Act, the Council shall undertake expropriation proceedings on the subject property. Failure to recompense the Council within a period of five years shall entitle the Council to alienate the property or work in favor of a third person who shall undertake the possession and/or ownership of the subject property or work after full restitution to the Council of the amount expended on the structure including legal interest on the full amount, and any expenditures for rentals. The third party must also compensate the owner and or the possessor of the property or work in accordance with registered property values.

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

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

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

SECTION 14. **Penal Provision.** Destruction, demolition, restoration, renovation, or any changes or alterations or deviations from the original structure, or any construction work on the original structure without the written authority of the Council shall be penalized by imprisonment from six months to one year, of a fine of twenty-five thousand pesos (P25,000.00) for each act in violation of this provision.

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

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

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

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

Approved,