

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

7 JUN 30 P1:15

SENATE

RECEIVED BY: 

S. B. No. 66

Introduced by SENATOR EDGARDO J. ANGARA

EXPLANATORY NOTE

The Philippines is blessed with rich resources and heritage. It is sad to note that in spite of this comparative advantage; the Philippines' share of the tourist market is negligible compared to its Asian neighbors.


The eco-tourism we have aggressively promoted has suffered a backlash from negative publicity, brought about by security threats and recent kidnapping incidents of foreign nationals. We have forgotten that the Philippines has much to offer than beautiful beaches and resorts.

It is time to present the rich cultural heritage of the country through the promotion and preservation of our cultural heritage sites. However, much of these important and irreplaceable structures have given way to modernization and commercialization, and its rich repository of our culture is literally becoming a thing of the past.

Present day conservation efforts of the government have been inadequate to forestall the deterioration of this country's heritage. It is therefore imperative, to take serious action in preserving our cultural treasures.

Bearing in mind existing realities of fiscal discipline and austerity measures being made by the government, preservation seems an ambitious and impractical proposition. What we fail to see is that by developing this aspect, we can tap new markets and create ripple-like opportunities that would generate income and employment for our people.

More importantly, knowing our heritage would serve as an anchor amidst the chaos that modernization brings. By preserving our heritage, we keep our integrity as a people, for our heritage is a foundation upon which we can build our present, as well as our future. Heritage plays an important role in national destiny, only by knowing our collective strength as a people can we be prepared to meet by challenges posed by globalization.

Investing in the preservation of our heritage would prevent cultural bankruptcy in the future. It is therefore in the public interest to preserve our heritage so that its vital legacy will be maintained and enriched for future generations. 

For these reasons, the immediate passage of this bill is earnestly sought.


EDGARDO J. ANGARA
Senator

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

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

1 **SECTION 1. Short Title.** This Act shall be known as the "*National*
2 *Cultural Heritage Act of 2007.*"

3
4 **ARTICLE I**
5 **POLICIES AND PRINCIPLES**

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

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

18 (a) Protect, preserve, conserve and promote the nation's cultural
19 heritage, its property and histories, and the ethnicity of local
20 communities;

21 (b) Establish and strengthen cultural institutions; and

1 (c) Protect cultural workers and ensure their professional development
2 and well-being.

3 ARTICLE II

4 DEFINITION OF TERMS

5
6 SECTION 3. *Definition of Terms.* For purposes of this Act, the
7 following terms shall be defined as follows:

8 (a) **“Adaptive Re-use”** refers to the utilization of buildings and sites
9 of value for a purpose different from that for which it was intended
10 originally, in order to conserve the site especially its architectural
11 integrity;

12 (b) **“Anthropological Area”** refers to any place where studies of
13 specific ethno- linguistic groups are undertaken, the properties of
14 which are of value to our cultural heritage;

15 (c) **“Antique”** refers to a cultural property found locally which is one
16 hundred years in age, more or less, the production of which has
17 ceased;

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

23 (e) **“Built Heritage”** refers to architectural structures, such as but not
24 limited to, buildings, houses of ancestry, traditional dwellings,
25 technological and industrial complexes, and their settings, with
26 notable historical and cultural significance;

27 (f) **“Collector”** refers to any person who or institution that acquires
28 cultural property for purposes other than sale;

29 (g) **“Commission”** shall refer to the National Commission for Culture
30 and the Arts (NCAA)

31 (h) **“Conservation”** refers to all the processes and measures of
32 maintaining the cultural significance of a cultural property,
33 including but not limited to, preservation, restoration,
34 reconstruction, adaptation or any combination, thereof;

35 (i) **“Cultural Education”** is the teaching and learning of cultural
36 concepts and processes;

- 1 (j) **"Cultural Heritage"** refers to the totality of cultural property
2 preserved and developed through time and passed on to posterity;
- 3 (k) **"Cultural Heritage Worker"** is an individual undertaking
4 cultural heritage work;
- 5 (l) **"Cultural Institution"** refers to entities engaged primarily in
6 cultural work;
- 7 (m) **"Cultural Property"** refers to all products of human creativity by
8 which a people and a nation reveal their identity, including natural
9 history specimens and sites, whether public or privately-owned,
10 movable or immovable, and tangible or intangible;
- 11 1) **"Tangible Cultural Property"** refers to a cultural property
12 with historical, archival, anthropological, archaeological, artistic
13 and architectural value, and with exceptional or traditional
14 production, whether of Philippine -origin *or* not, including
15 *antiques and natural history specimens with significant value;*
16 and
- 17 2) **"Intangible Cultural Property"** refers to the peoples' learned
18 processes along with the knowledge, skills and creativity that
19 inform and are developed by them, the products they create and
20 the resources, spaces and other aspects of social and natural
21 context necessary for their sustainability .
- 22 (n) **"Dealers"** refers to natural or juridical persons who acquire
23 cultural property for the purpose of engaging in the acquisition and
24 disposition of the same;
- 25 (o) **"Heritage Zone"** "refers to historical, anthropological,
26 archaeological, artistic geographical areas and settings that are
27 culturally significant to the country or a particular locality;
- 28 (p) **"History"** is a record of past events relating to political and social
29 development;
- 30 (q) **"Historical Landmarks"** refer to sites or structures that are
31 associated with events or achievements significant to Philippine
32 History;
- 33 (r) **"Historical Monuments"** refer to structures that honor illustrious
34 persons *or* commemorate events of historical value;
- 35 (s) **"Historical Shrines"** refer to historical sites or structures hallowed
36 and revered for their history or association;

- 1 (t) **"Important Cultural Property"** refers to a cultural property
2 having exceptional cultural significance to the Philippines, but is
3 not sufficiently outstanding to merit the classification of "national
4 cultural treasures;"
- 5 (u) **"Intangible Cultural Heritage" (ICH)** refers to the practices,
6 representations, expressions, knowledge, skills - as well as the
7 instruments, objects and artifacts associated therewith - that
8 communities, groups and individuals recognize as part of their
9 cultural heritage, such as a) oral traditions languages, and
10 expressions; b) performing arts; c) social practices, rituals and
11 festive events; d) knowledge and practices concerning nature and
12 the universe; and e) traditional craftsmanship;
- 13 (v) **"Library"** refers to an institution where the collection of books,
14 manuscripts, computerized information, and other materials are
15 organized to provide physical, bibliographic, and / or intellectual
16 access to the public, with a librarian that is trained to provide
17 services and programs related to the information needs of its
18 clientele;
- 19 (w) **"Museum"** refers to a permanent institution that researches,
20 acquires, conserves, communicates and exhibits the material
21 evidence of humans and their environment for purposes of
22 education or leisure;
- 23 (x) **"National Cultural Treasure"** refers to a unique cultural
24 property found locally, possessing outstanding historical, cultural,
25 artistic and/or scientific value which is highly significant and
26 important to the country and nation, and officially declared as such
27 by pertinent cultural agency;
- 28 (y) **"Natural Property of Cultural Significance"** are areas
29 possessing outstanding ecosystem with flora and fauna of national
30 scientific importance under the National Integrated Protected
31 Areas System (NIPAS);
- 32 (z) **"Pre-history"** is the period of human history before the
33 introduction of the forms of writing;
- 34 (aa) **"Philippine Registry of Cultural Property (PRECUP)"** refers
35 to the registry of all cultural property of the country deemed of
36 significant importance to our cultural heritage; and

1 (bb) "**Restoration**" refers to the returning of the existing fabric of a
2 place, artifacts and ecofacts to a known or earlier state by removing
3 accretions inconsistent with historical *progression* or by
4 reassembling existing components without the introduction of new
5 materials.

6 **ARTICLE III**
7 **CULTURAL PROPERTY**

8
9 **SECTION 4. *Categories.*** The Cultural Property of the country shall
10 be categorized as follows:

- 11 (a) National Cultural Treasures (NCT);
12 (b) Important Cultural Property (*ICP*);
13 (c) World Heritage Sites (WEIS);
14 (d) Autonomous / Administrative Region Cultural Property;
15 (e) Provincial Cultural Property;
16 (f) City / Municipal Cultural Property; and
17 (g) Barangay Cultural Property.

18
19 **SECTION 5. *Cultural Property presumed as Important Cultural***
20 ***Property.*** For purposes of protecting cultural property against exportation,
21 *modification* or *demolition*, the following works shall be presumed Important
22 Cultural Property, unless declared otherwise by the pertinent cultural
23 agency:

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

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

33
34 **SECTION 6. *World Heritage Sites (WHS).*** The WHS in the
35 Philippines shall be under the jurisdiction of the Commission, which shall
36 have the power to regulate and supervise its conservation.

1
2 **SECTION 7. *Privileges for Cultural Property.*** All cultural
3 properties declared as National Cultural Treasures shall be entitled to the
4 following privileges:

- 5 (a) Priority government funding for protection, conservation and
6 restoration;
- 7 (b) Incentive for private support of conservation and restoration
8 through the Commission's Conservation Incentive Program for
9 National Cultural Property;
- 10 (c) An official Heritage Marker placed by the cultural agency concerned
11 indicating that the immovable cultural property has been
12 identified as NCT; and
- 13 (d) In times of armed conflict, natural disasters, or other exceptional
14 events that endanger the cultural heritage of the country, all
15 National Cultural Treasures shall be given priority protection by
16 the Government.

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

21
22 **SECTION 8. *Procedure for Declaration, or De-Listing of***
23 ***National Cultural Treasures or Important Cultural Property,*** The
24 procedure in declaring as well as the delisting of a National Cultural
25 Property or an Important Cultural Property shall be as follows:

- 26 (a) A declaration or a delisting of a cultural property as a National
27 Cultural Treasure or an Important Cultural Property shall
28 commence upon the filing of a petition by the owner, stakeholder or
29 any interested person, with the Commission, which shall refer the
30 matter to the appropriate cultural agency;
- 31 (b) Upon verification of the suitability of the property as an NCT or an
32 ICP, the cultural agency concerned shall send notice of hearing to
33 the owner and stakeholders. Stakeholders, including but not limit e
34 d to local government units, local culture and arts council, local
35 tourism councils, non-government conservation organizations, and

1 schools, may be allowed to file their support or opposition to the
2 petition.

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

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

10 (e) The appropriate cultural agency shall have a maximum of ninety
11 (90) days within which to submit its recommendation before the
12 Commission. Thereafter, the Commission shall render its decision
13 on the application.
14

15 **SECTION 9. *Right of First Refusal on the sale of National***
16 ***Cultural Treasures (NCT).*** The Commission shall be given the right of first
17 refusal in the purchase of cultural properties declared as NCT. Prior to the
18 finality of the sale, the Commission may likewise match any offer made for
19 the purchase of an NCT.
20

21 **ARTICLE IV**
22 **HERITAGE ZONES**
23

24 **SECTION 10. *Designation of Heritage Zones.*** The Commission, in
25 coordination with the National Historical Institute, the Housing and Land
26 Use Regulatory Board (BLURB) and the local government unit concerned,
27 shall designate Heritage Zones to protect the historical and cultural integrity
28 of a geographical area.
29

30 **SECTION 11. *Maintenance of Heritage Zones.*** A Heritage Zone
31 shall be maintained by the local government unit Concerned, in accordance
32 with the following guidelines:

33 (a) Implementation of adaptive re-use of cultural property;

34 (b) Appearance of streets, parks, monuments, buildings, and natural
35 bodies of water, canals, paths and Barangays within a Historical
36 Zone shall be maintained as close to their appearance at the time

1 the area was of most importance to Philippine History as
2 determined by the National Historical Institute; and

- 3 (c) Local government *units* shall document and sustain all socio-
4 cultural practices such as but not limited to traditional
5 celebrations, historical battles, recreation of customs, and the re-
6 enactment of battles and other local customs that are unique to a
7 Historical Zone.

8
9 **SECTION 12. *Documentation of Traditional and Contemporary***
10 ***Arts.*** Local government units shall document traditional and contemporary
11 arts and crafts, including their processes and makers, and sustain the
12 sources of their raw materials. The local government units shall encourage
13 and sustain traditional arts and crafts as active and viable sources of income
14 for the community.

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

21 The LGU concerned shall submit an annual inventory of these
22 documentations to the Commission, which will be included in the Philippine
23 Registry of Cultural Property, as established in succeeding Section of this
24 Act.

25
26 **ARTICLE V**

27 ***REGISTRATION AND CONSERVATION OF CULTURAL PROPERTY***

28
29 **SECTION 13. *Establishment of a Philippine Registry of Cultural***
30 ***Property.*** All cultural property of the country deemed of significant
31 importance for the cultural heritage shall be registered in the Philippine
32 Registry of Cultural Property (hereafter referred to as "*Registry*").

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

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

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

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

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

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

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

30 Information on cultural properties owned by private
31 individuals may be given only upon prior consent of the private
32 owner. The Commission shall operate the Registry in the form of an
33 electronic database and shall publish the same in its official
34 website.

1 **SECTION 14. *Conservation of Cultural Property.*** All measures on
2 conservation of National Cultural Treasures, Important Cultural Property,
3 Autonomous / Administrative Region Cultural Property, Provincial Cultural
4 Property, City/ Municipal Cultural Property and Barangay Cultural Property
5 shall be undertaken only upon prior approval of the Commission through the
6 appropriate cultural agency which shall supervise the same;

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

9
10 **SECTION 15. *Power to issue a Cease and Desist Order (CDO).***

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

22
23 **SECTION 16. *Power to issue Compulsory Repair Order (CRO).***

24 When a privately-owned heritage site cannot be maintained by the owner or
25 has fallen into disrepair thru neglect to such an extent that it will lose its
26 potential for conservation, the Commission, through the appropriate cultural
27 agency, may serve on the owner or occupant of such property, an order to
28 repair or maintain such site. If the owner fails to comply with said order
29 within 30 to 45 days, repairs may be undertaken by the Commission for the
30 account of the owner. If said owner fails to reimburse the Commission, the
31 property or portions thereof shall be forfeited in its favor in accordance with
32 the amount spent for the repair after computing interest thereon.

33
34 **SECTION 17. *Heritage Agreements.*** The Commission, upon advice
35 of the concerned cultural agency, may enter into agreements with private
36 owners of cultural properties with regard to the preservation of said property.

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

- 3 (a) Public access to the property;
- 4 (b) Value of the encumbrance;
- 5 (c) Duration of the servitude of the property;
- 6 (d) Restriction of the right of the owner or occupant to perform acts on
7 or near the place;
- 8 (e) Maintenance and management of the property;
- 9 (f) Provision of financial assistance for the conservation of the property;
- 10 (g) Procedure for the resolution of any dispute arising out of the
11 agreement.

12 Such agreement should vie annotated in the land title to bind future
13 owners and / or occupants of the Immovable cultural property.

14
15 **ARTICLE VI**
16 **INTANGIBLE CULTURAL HERITAGE**

17
18 **SECTION 18. *National Inventory of Intangible Cultural***
19 ***Heritage.*** The Commission shall undertake a national inventory of the
20 country's intangible cultural heritage. Pursuant to this objective, it shall:

- 21 (1) Coordinate all efforts of government and private agencies that have
22 forms of intangible cultural heritage in making the national
23 inventory and working toward the safeguarding of these forms of
24 heritage; and
- 25 (2) Undertake the responsibilities pertaining to the Philippines as
26 provided for by Articles 11 to 15 of UNESCO Convention for the
27 Safeguarding of the Intangible Cultural Heritage.

28
29 **SECTION 19. *Anthropological Research and Archaeological***
30 ***Exploration/Excavation.***

- 31 (a) The Commission through the National Museum shall regulate and
32 control all anthropological research conducted by foreigners; and all
33 archaeological excavation or exploration. Pursuant to the foregoing,
34 the Commission shall deputize other agencies to protect
35 archaeological and anthropological sites in accordance with Section
36 20 of this Act.

1 It shall be guided by the following rules:

2 (1) All cultural property found in *terrestrial and / or underwater*
3 archaeological site belong to the State.

4 (2) No terrestrial and / or underwater archaeological explorations and
5 excavations for the purposes of obtaining materials and data of
6 cultural Museum;

7 (3) All anthropological researches, for the purpose of obtaining
8 materials and data of cultural value and where the principal
9 proponent *is* a foreign national shall be undertaken only with the
10 authority, and under the supervision of the Commission through
11 National Museum; Anthropological research by Philippine
12 nationals, especially members of value shall be undertaken without
13 the written authority and direct site supervision by archaeologists
14 and / or representatives of the National and ordinances; the
15 Indigenous communities shall be encouraged;

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

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

25 (6) The provisions of this Heritage Act on explorations and excavations
26 of terrestrial and underwater archaeological sites shall supersede
27 all local, municipal, regional and autonomous regional
28 governments' resolutions and ordinances;

29 (7) All mining activities inside-caves, rock shelters and any such other
30 areas shall require a written permit and clearance from the
31 National Museum. An appropriate prior inspection by
32 representatives of the National Museum, funded by the company
33 applying for a mining right, shall be required to ensure that no
34 archaeological materials are present and, possibly, destroyed;

35 (8) Excavations in caves, rock shelters and other areas by laymen are
36 prohibited by this Act. All earth-moving activities in these areas

1 must have the proper permit and clearance from the National
2 Museum and monitored by their representatives; and

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

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

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

24 (d) Any government or non-government infrastructure project or
25 architectural site development shall include anthropological,
26 archaeological, and historical and heritage site conservation concerns in
27 their Environmental Impact Assessment System (EIAS).
28

29 For this purpose, one percent of the total budget of the program/project
30 shall be held in reserve to underwrite the cost of the study, and the project
31 proponent shall file with the Commission through the National Museum the
32 appurtenant bond guaranteeing the same.
33

34 **SECTION 20. *Immovable National Cultural Treasures.*** National
35 Cultural Treasures, which are immovable, shall not be relocated, rebuilt,
36 defaced or otherwise changed in a manner, which would destroy the

1 property's dignity except to save such property from destruction due to
2 natural causes.

3
4 **SECTION 21. *Indigenous properties.*** The Commission, in
5 coordination with the National Commission on Indigenous Peoples, shall
6 establish a program and promulgate regulations to assist indigenous people
7 in preserving their particular cultural and historical properties.

8
9 **SECTION 22. *Systematic Research in Natural History.*** The
10 National Museum shall have the authority to collect, maintain and develop
11 the national reference collections of Philippine flora and fauna, rocks and
12 minerals through research and field collection of specimens including
13 Important Cultural Property within the territorial jurisdiction of the
14 Philippines; and shall be exempt from any and all permit systems regulating
15 the same.

16 The National Museum shall inform the Department of Environment
17 and Natural Resources, Department of Agriculture and the Palawan Council
18 for Sustainable Development of such collection. All type specimens collected
19 in the Philippine territory shall be deposited in the National Museum.

20
21 **SECTION 23. *Renaming of Historical Streets, Buildings***
22 ***Designated as Cultural Treasure or Important Cultural Property.*** No
23 historical streets, parks, buildings, shrines, landmarks, monuments and sites
24 designated as National Cultural Treasures or Important Cultural Property
25 shall be renamed except upon written application and approval of the
26 National Historical Institute. Consequently, the NHI may direct the local
27 government units to restore the original names of historic streets, parks,
28 buildings, shrines, landmarks, monuments and sites.

29
30 **SECTION 24. *Visitorial Powers.*** The cultural agencies concerned,
31 through the Commission, are hereby given the power to inspect National
32 Cultural Treasures and Important Cultural Property at any time to ensure
33 the protection and integrity of such. They may also inspect public or private
34 collections or objects that may be categorized as cultural property.

1 **SECTION 25. *Power to Deputize the Philippine National Police***
2 ***(PNP), National Bureau of Investigation WBI, the Armed Forces of the***
3 ***Philippines (AFP) and the Philippine Coast Guard CPCG).*** The
4 cultural agencies concerned, through the Commission, shall deputize local or
5 national law enforcement agencies, to enforce the provisions of this Act and
6 *its implementing rules and regulations.* The said agencies shall, upon the
7 request of the Commission, immediately detail their respective personnel to
8 protect the cultural items under the National Registry.

9
10 **SECTION 26. *Expropriation.*** The Commission through the
11 appropriate agency may, and after Consultation with the Secretary of
12 Finance expropriate property for its conservation or any other purpose under
13 this Act.

14
15 **ARTICLE VII**
16 **HERITAGE ADVISORY COUNCIL**

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

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

32
33 **ARTICLE VIII**
34 **ROLE OF CULTURAL AGENCIES**

1 **SECTION 28. Responsibilities of Cultural Agencies for**
2 **Designation of Cultural Property.** The cultural agencies, conformably
3 with their respective charters, shall define and delineate their respective
4 areas of responsibility with respect to cultural property and assessment of
5 National Cultural Treasures. These areas shall be subject to periodic re-
6 assessment whenever necessary.

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

9 (a) The Cultural Center of the Philippines ("CCP") shall be responsible
10 for cultural property pertaining to the performing arts;

11 (b) The Records Management and Archives Office ("RMAO") shall be
12 responsible for archival materials;

13 (c) The National Library ("TNL") shall be responsible for rare and
14 contemporary books, manuscripts such as, but not limited to,
15 presidential papers, periodicals, newspapers, singly or in collection,
16 and libraries and electronic records;

17 (d) The National Historical Institute ("NHI") shall be responsible for
18 movable and immovable cultural property that pertains to
19 Philippine Political History with written records;

20 (e) The National Museum ("NM") shall be responsible for movable and
21 immovable cultural and natural property of significance that
22 pertain to collections of Fine Arts, Archaeology, Anthropology,
23 Botany, Geology, Zoology and Astronomy, including conservation
24 aspect; and

25 (f) The *Komisyon sa Wikang Filipino* ("KWF") shall be responsible for
26 the propaganda and promotion of a national Filipino language and
27 the conservation of ethnic languages;

28
29 **SECTION 29. Institutional Linkages of the Commission.** The
30 Commission shall, in implementing the provisions of this Act, consult,
31 coordinate and work closely with the cultural agencies and other national
32 government agencies such as:

33 (a) The Department of Tourism (DOT) which shall be responsible for
34 cultural education among tourism services, and protection of
35 cultural property supplemental to the jurisdiction of the cultural

1 agencies as defined in this Act. The implementation and creation of
2 a tourism master plan shall be consistent with this Act;

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

7 (c) The Department of Environment and Natural Resources ("DENR")
8 which shall be responsible for designating categories of Protected
9 areas under the NIPAS;

10 (d) The Department of the Interior and Local Government ("DILG")
11 which shall coordinate with the national cultural agencies on
12 matters pertaining to Cultural Property under its jurisdiction, and
13 ensure that the provisions of this Act is properly executed by the
14 Local Government unit;

15 (e) The Office of the Muslim Affairs ("OMA") shall coordinate with the
16 national cultural agencies on matters pertaining to Cultural
17 Property under its jurisdiction;

18 (f) The Housing and Land Use Regulatory Board ("HLURB") shall
19 coordinate with the local government units and the Commission on
20 matters pertaining to the establishment and maintenance of
21 Heritage Zones; and

22 (g) The Autonomous Regional Government in Muslim Mindanao
23 ("ARMM") and the Cordillera Administrative Region ("CAR") shall
24 coordinate with the National cultural Agencies on matters
25 pertaining to Cultural Property under their respective jurisdictions.
26

27 **SECTION 30. Incorporation of Cultural Property Programs in**
28 **LGU Budgets.** The local government units shall incorporate programs and
29 budgets for the conservation and preservation of Important Cultural Property
30 in their environmental, educational and cultural activities.
31

32 **SECTION 31. Training Programs.** The Commission, in coordination
33 with the appropriate cultural agencies shall provide general training
34 programs on conservation to the local government units which have
35 established cultural heritage programs and projects in their localities.
36

1 ARTICLE IX

2 CULTURAL PROPERTY INCENTIVES PROGRAM

3
4 SECTION 32. *Donation by Private Individuals and Institutions*
5 *to Cultural Agencies*, Any donation by private individuals or institutions to
6 cultural agencies, as certified by the Commission, shall be deductible from
7 the gross taxable income of the individual or institution concerned, for any of
8 the following cultural programs or purposes:

- 9 (a) purchase of National Cultural Treasure or Important Cultural
10 Property;
- 11 (b) support for scientific and cultural research anthropological projects,
12 explorations and archaeological excavations for the Commission
13 and its cultural agencies and accredited academic and research
14 institutions;
- 15 (c) cultural, archaeological, anthropological, historical research and
16 exhibitions and performances for the Commission and cultural
17 agencies;
- 18 (d) purchase and acquisition of equipment, instruments and materials
19 for conservation for cultural agencies;
- 20 (e) cultural education programs and scholarships; and
- 21 (f) maintenance of Heritage Zones.

22 The Department of Finance, in coordination with the Commission,
23 shall promulgate the necessary implementing guidelines to carry out the
24 purposes of this Section.

25 The Commission shall likewise support the formation of local historical
26 and cultural trust, clubs and associations through the priority programs
27 enumerated under the preceding section.

28
29 SECTION 33. *Incentives for Private Individuals, Collectors or*
30 *Entities Financing Archeological Excavation*. Private persons who
31 finance the cost in whole or in part an archaeological excavation under the
32 supervision of the National Museum or the conservation of a historical site
33 under the supervision of the National Historical Institute, and other sites
34 defied in this Act, may avail of income tax incentives arising from donations
35 as provided for in this Act.

1 Private persons who donate for the purposes of acquisition of cultural
2 property to the appropriate cultural agency shall also be entitled to similar
3 tax incentives.

4
5 **SECTION 34. *National Heritage Resource Assistance Program.***

6 The Commission may provide financial assistance in the form of a grant or a
7 loan to historic, archaeological, architectural, artistic organizations for
8 conservation or research on cultural property. No grant made pursuant to
9 this Act shall be treated as taxable income.

10
11 **SECTION 35. *Awards and Citations.*** To encourage preservation of
12 the national heritage, the Commission shall establish annual conservation
13 recognition under which monetary prizes, awards and citations will be given
14 by the President of the Philippines, upon the recommendation of the
15 Commission, for special achievements and important contributions and
16 services in the area of heritage preservation and conservation efforts.

17
18 **ARTICLE X**

19 **CULTURAL EDUCATION**

20
21 **SECTION 36. *Incorporation of National Cultural Treasures and***
22 ***Important Cultural Property in the Basic Education System.*** Within
23 one (1) year from the effectivity of this Act, the Department of Education in
24 coordination with the Commission shall formulate cultural heritage
25 education programs to be incorporated into formal, non-formal and informal
26 education, with emphasis on the protection, conservation and preservation of
27 cultural heritage property.

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

31
32 **SECTION 37. *Cultural Heritage Education Program.*** Within one
33 (1) year from the effectivity of this Act, the DepEd in coordination with the
34 Commission shall set forth in the following cultural heritage education
35 programs nationwide with emphasis on the provincial, city and municipal
36 levels:

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

7

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

18

19 **ARTICLE XI**

20 **CULTURAL HERITAGE WORKERS' INCENTIVES PROGRAM**

21

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

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

- 31 (1) an active Roster of Authenticators and Roster of
32 Valuers/Appraisers;
- 33 (2) education and training programs for conservators, authenticators
34 and valuers/appraisers, and other conservation related workers;
- 35 (3) propose a general training program on conservation for local
36 government units.

1
2 (b) *Application of Scientific Career Merit System.* Cultural heritage
3 workers in the Civil Service with a Doctorate, Master of Science or
4 Master of Arts Degree, shall be given the rank and benefits of
5 Scientists, subject to qualifying standards equivalent to those
6 prescribed in the scientific career merit system of the government.

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

11
12 **ARTICLE XII**
13 **PENAL PROVISIONS**
14

15 **SECTION 40. *Prohibited Acts.*** To the extent that the offense is not
16 punishable by a higher punishment under another provision, violations of
17 this Act may be made by whomever intentionally:

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

20 (2) Modify, alter, or destroy the original features of any national
21 shrine, monument, landmark and other historic edifices declared
22 and classified by the National Historical Institute as such, without
23 the prior written permission from the Commission. This includes
24 the designated security or buffer zone, extending five meters from
25 the visible perimeter of the monument or site.

26 Explore, excavate or undertake diggings for the purpose of
27 obtaining materials of cultural historical value without prior
28 written authority from the National Museum. No excavation or
29 diggings shall be permitted without the supervision of a certified
30 archaeologist.

31 (3) Appropriates excavation finds;

32 (4) Imports, sells, distributes, procures, acquires, or exports cultural
33 property stolen or otherwise lost against the will of the lawful
34 owner; and

35 (5) Illicitly exports cultural property listed in the PRECUP or
36 incorrectly declares the same during transit.

1
2 **SECTION 41. *Penal Provisions.*** Upon conviction, the offender shall
3 be subject to a fine of not less than Two Hundred Thousand Pesos
4 (P200,000.00) or imprisonment for a term of not less than ten (10) years or
5 both upon the discretion of the Court Provided, That any cultural property
6 attempted to be concealed from registration or those intended to be
7 encumbered or excavated in violations of this Act shall be summarily
8 confiscated and forfeited in favor of the Commission; Provided further, That if
9 the violation is committed by a juridical person, the manager, representative,
10 director, agent or employee of said juridical person responsible for the act
11 shall also be liable to the penalties provided herein; Provided furthermore;
12 that if the acts are committed by dealers, they shall suffer, in addition to the
13 penalties provide herein, the automatic revocation of their license to operate;
14 Provided finally, That if the offender is an alien, he shall be under the
15 custody of the Commission on Immigration and Deportation for the
16 appropriate proceedings.

17
18 **SECTION 42. *Appropriations.*** Funding for this law shall be taken
19 from the Fifty percent (50%) share of the government in the aggregate gross
20 earnings of the Philippine Amusement and Gaming Corporation (PAGCOR),
21 which shall constitute as an additional source of funding for the National
22 Endowment Fund for Culture and the Arts (NEFCA).

23
24 **SECTION 43. *Repealing Clause.*** The provisions of: the RA 7356 or
25 the National Museum Law, Republic Act 9072 or the National Caves and
26 Cave Resources Management and Protection Act, Presidential Decree No.
27 1505, RA 7942 or the Philippine Mining Act of 1995, and any provision of
28 existing laws, rules, decrees and executive orders inconsistent with the
29 provisions of this Act are hereby repealed and modified accordingly.

30
31 **SECTION 44. *Separability Clause.*** Any portion or provision of this
32 Act that may be declared unconstitutional shall not have the effect of
33 nullifying other portions or provisions hereof as long as such remaining
34 provisions can still subsist and be given effect.

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

4

5 *Approved,*

6