

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

7 JUL -4 1976

SENATE
S.B. No. 1093

RECEIVED BY: _____

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

“To foretell the destiny of a nation, it is necessary to open the book that tells the past.”
- Jose Rizal (*Filipinas Dentro de Cien Años*)

This bill seeks to protect and preserve national historical places in the Philippines by identifying, designating and marking them as such and regulating their utilization and disposition.

Section 16, Article XIV of the 1987 Philippine Constitution provides that all the country’s artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the protection of the State which may regulate its disposition.

Prior to the 1987 Constitution, there was the Philippine Historical Research and Markers Committee, created in 1933 by Governor General Frank Murphy through Executive Order 451. The committee was directed to identify, designate and mark the many antiquities in the Philippines to keep them for posterity. The committee was abolished following the inauguration of the Commonwealth Government and replaced by the Philippine Historical Committee until the outbreak of the Second World War. When the Japanese army occupied the country, its functions were absorbed by the Commission of Education, Health and Public Welfare. On January 20, 1947, the committee was reconstituted, placed under the Office of the President and later transferred to the Department of Education.

In 28 years the committee installed about 444 historical markers all over the Philippines. In response to the need for a historical body with functions broader than those of the PHC and NHC, the government created the National Historical Commission on July 1, 1965 as a separate bureau under the Department of Education. Its functions included research, administration of shrines, monuments and markers and general administration. In 1972 Presidential Decree 1 (September 24, 1972) an act reorganizing the executive branch, created the National Historical Institute. To streamline government entities performing work identical to that of the NHI, the government abolished the National Historical Commission, the Intramuros Restoration Committee, the Roxas Memorial Commission, the Quezon Memorial Committee, the Emilio Aguinaldo National Centennial Commission, the Gomez-Burgos-Zamora Centennial Commission and the Pinaglabanan Commemorative Commission. Their functions, records, appropriations, records and properties were transferred to the institute.

The National Historical Institute undertakes research and publication of Philippine historical works, administers educational activities on historical events and personages, restores, preserves and conserves movable and immovable objects of historical value, and oversees the implementation of the National Historic Act of the Philippines (PD 260 and PD 1505) and of Republic Act 8491, the Flag and Heraldic Code of the Philippines.

Despite the existence of the Institute, it lacks the mandate to effectively protect and preserve these historical places.

This bill aims to remedy that by requiring all persons, associations, corporations or entities to secure a permit from the National Historical Institute before any construction or real estate development in areas identified, designated and appropriately marked as historical places or in areas proximate thereto, shall commence. Under this bill, historical places shall include government historical buildings, shrines, landmarks, monuments, and sites where a memorable event of national significance occurred, or which has been hallowed by a hero's former presence - whether transient or for a fixed duration.

This proposed measure likewise mandates that any person, association, corporation, or entity who shall violate any provision of this Act shall be punished with the penalty of imprisonment of not less than six (6) months but not more than two (2) years, or a fine of not less than (P100,000.00), or both.

In view of the foregoing, immediate passage of this bill is earnestly requested.




LOREN LEGARDA
Senator

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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

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

SECTION 1. *Title.* This Act shall be known as "National Historical Places Protection Act of 2007."

SECTION 2. *Declaration of Policy.* It is hereby declared the policy of the State to instill patriotism in the heart and mind of every Filipino, particularly the youth of today. Towards this end, the State shall endeavor to identify at the earliest possible time national historical places in the Philippines, and to protect and preserve those which have been identified, designated and marked as such.

SECTION 3. *Historical Places.* For purposes of this Act, "Historical Places" shall include government historical buildings, shrines, landmarks, monuments, and sites where a memorable event of national significance occurred, or which has been hallowed by a hero's former presence - whether transient or for a fixed duration.

SECTION 4. *Establishing Institutional Linkages.* The National Historical Institute (NHI) shall work with local governments, other government agencies, and concerned organizations in identifying, designating and marking historical places in different parts of the country.

SECTION 5. No construction or real estate development in areas identified, designated and appropriately marked as historical places or in areas proximate thereto, shall commence without securing the necessary permit from the National Historical Institute. Before the issuance of such permit, the NHI shall conduct prior public consultation with the local government within which the historical place is located.

SECTION 6. *Penalties.* Any person, association, corporation, or entity who shall violate any provision of this Act shall be punished with the penalty of imprisonment of not less than six (6) months but not more than two (2) years, or a fine of not less than (P100,000.00), or both at the discretion of the court, without prejudice to any

administrative charges which may be filed against them: Provided, That if the violation is committed by an association, corporation or entity, the manager, representative, director or agent of the said association, corporation, entity shall suffer the penalties herein prescribed: Provided, Further, That if the violation is committed by a person, an association, corporation or entity engaged in construction or real estate business, any license issued to undertake the same shall be suspended or revoked at the court's discretion.

SECTION 7. *Restoration and Reconstruction* - The restoration or reconstruction of the historical places damaged by the unlawful construction of real estate development projects shall be undertaken under the direct control and supervision of the NHI at the expense of the person, association, corporation or entity found guilty under this Act.

SECTION 8. *Report to Congress* - The NHI shall, within 60 days from the effectivity of this Act, submit to Congress a report containing the list of historical places identified, designated, or marked as such. Thereafter, the NHI shall submit to Congress an annual report that shall contain detailed statements of the implementation of this Act.

SECTION 9. *Special Fund* - Any money collected by the government as permit fees, as fines for violation of this Act, or as forfeited bonds for failure to comply with the condition of the permit issued under this Act shall be placed in a special fund. Such money shall be available for obligation or expenditure as determined by the NHI for the preservation and maintenance of historical places defined under this Act.

SECTION 10. *Implementing Rules and Regulations* - The NHI shall, within 60 days from the effectivity of this Act, submit to Congress a report containing the list of historical places identified; designated or marked as such. Thereafter, the NHI shall submit to Congress an annual report that shall contain detailed statements of the implementation of this Act.

SECTION 11. *Appropriations* - The sum necessary for the initial implementation of this Act is hereby authorized to be appropriated out of the Treasury not otherwise appropriated. Thereafter, the funds necessary shall be incorporated in the General Appropriations Act.

SECTION 12. *Separability Clause*. If any provisions of this Act shall be held unconstitutional, the remaining portions not otherwise affected shall remain in full force and effect.

SECTION 13. *Repealing Clause*. All laws, executive orders, rules and regulations, or parts thereof inconsistent with any of the provisions of this Act are hereby amended, repealed or modified accordingly.

SECTION 14. *Effectivity*. This Act shall take effect after its complete publication in at least two (2) newspapers of general circulation.

Approved,