

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 607



Introduced by REP. FRANCIS G. ESCUDERO

EXPLANATORY NOTE

Filipinos are known for their bravery, patriotism and love for freedom. We have the likes of Rizal, Bonifacio, del Pilar, Jaena, Gabriel Silang and Tandang Sora, who for their sincere and unselfish desire to gain Philippine independence, sacrificed their wealth and lives in the hope of sparking the light of nationalism in the hearts and minds of their countrymen, not only in their noble intention, Article III, Section 13 of the 1987 Constitution declares: "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism and encourage their involvement in public and civic affairs.

Stephen Spender once said: "History is the ship carrying living memories into the future." However, the memories of the past seem to vanish at a great speed. It may be noted that many Filipinos, especially the youth, do not seem to know the great men and women who carved their names in the annals of Philippine history. It is therefore necessary to instill love of country in the heart and mind of every Filipino through an understanding of the country. According to reports, the National Historical Institute (NHI), the agency tasked to identify mark, and preserve historical places in the Philippines, directly maintains only a number of historic spots and structures nationwide. Other historic spots and structures have been built and maintained by public and private organizations though many still seem to remain unknown to NHI.

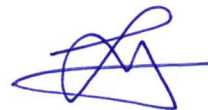
There are reports that many significant historical sites, buildings and landmarks are being destroyed in favor of development projects without considering the historical value of the places especially in provinces where numerous memorable events of national significance occurred.

It is now high time to end these unpatriotic activities. The proposed bill thus seeks to require any person, association, corporation or entity to secure the necessary clearance or permit from the NHI before commencing any construction of real estate development projects in areas identified, designated and appropriately marked as historical places or in areas proximate thereto. Under the proposed measure, non-compliance with the required clearance or permit shall be penalized with imprisonment ranging from six (6) months to two (2) years, or a fine ranging from Fifty Thousand Pesos (₱50,000.00) to One Hundred Thousand Pesos (₱100,000.00), or both, at the court's discretion.

The NHI shall, in coordination with the local government, other government agencies, and concerned organizations, identify at the earliest possible time national historical places in different parts of the country.

With this piece of legislation, it is hoped that the sense of nationalism as dreamed of by our heroes would be imbued in the lives of every Filipino.

In view of the foregoing considerations, the early approval of this bill is earnestly requested.



FRANCIS G. ESCUDERO

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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 OF REAL ESTATE DEVELOPMENT PROJECTS IN
AREAS IDENTIFIED, DESIGNATED AND APPROPRIATELY MARKED AS
HISTORICAL PLACES OR IN AREAS PROXIMATE THERETO,
PROVIDING PENALTIES FOR VIOLATION THEREOF,
AND FOR OTHER PURPOSES

*Be it enacted by SENATE and HOUSE OF REPRESENTATIVES of the
Philippines in Congress assembled:*

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

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 today. Toward 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 events of national significance occurred, or which has been hallowed by a hero's former presence-whether transient or of 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. *Issuance of Permits* - The NHI is hereby authorized to issue permits for any construction or real estate development projects in areas identified, designated and appropriately marked as historical places or in areas proximate thereto under such terms and conditions as the NHI may impose. NHI shall likewise require the posting of bonds to ensure compliance with provision of any permit.

Any permit issued under this section shall be revoked upon a determination by the NHI that the permittee has violated any provision of this Act, or has failed to comply with any other condition upon which the permit was issued.

SECTION 6. *Prohibited Acts* - No person, association, corporation, firm or entity shall undertake any construction or real estate development projects in areas identified, designated and appropriately marked as historical places or in areas proximate thereto without first securing the necessary clearance or permit from the NHI.

SECTION 7. 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 Fifty Thousand Pesos (P50,000.00) but not more than One Hundred Pesos (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 said association, corporation or 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 8. Restoration and Reconstruction - The restoration or reconstruction of the historical places damaged by the unlawful construction or real estate development projects shall be undertaken under the direct and strict supervision of the NHI at the expense of the person, association, corporation or entity found guilty under this Act.

SECTION 9. Report to Congress - The NHI shall, within 60 days from the effectivity of this Act submit to Congress a report containing list of historical places identified, designated or marked as such. Thereafter, the NHI shall submit to Congress an annual report, which shall contain detailed statements of the implementation of this Act.

SECTION 10. 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 11. *Implementing Rules and Regulations* - The NHI shall, within thirty (30) days after the effectivity of this Act, promulgate such rules and regulations as may be necessary to achieve the purpose of this Act. The NHI is hereby empowered to employ the number of personnel as it may deem necessary for the effective implementation of this Act.

SECTION 12. *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 13. *Separability Clause* - If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

SECTION 14. *Repealing Clause* - All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 15. *Effectivity* - This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspaper of general circulation.

Approved,