Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City




THIRTEENTH CONGRESS
First Regular Session

**HB NO.** 1614

Introduced by **Rep. Roseller L. Barinaga**

## EXPLANATORY NOTE

All artistic and historic wealth of the country constitutes the cultural treasure of the nation.

This bill seeks to protect and regulate the disposition of such cultural treasure. In so doing, future generations of Filipinos would enjoy the benefits of their historical values.

**ROSELLER L. BARINAGA**
Representative
2nd District, Zamboanga del Norte

Congress of the Philippines )
Thirteenth Congress )
First Regular Session )

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# AN ACT
# FOR THE PRESERVATION OF PHILIPPINE ANTIQUITIES

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

**SECTION 1**. *Title*. This Act shall be known as "The Antiquities Act of 2004".

**SEC. 2**. *Declaration of policy*. It is the declared policy of the State that all the artistic and historic wealth of the country constitutes the cultural treasure of the nation and shall be under the protection of the State which may regulate its disposition.

**SEC. 3**. *National Museum*. Jurisdiction over ruins, archaeological sites, historic, and prehistoric monuments and structures, objects of antiquity, and other objects of antiquity of scientific interest, shall be exercised solely by the National Museum.

**SEC. 4**. *Issuance of Permits*. That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity within and upon the territorial lands and water of the Republic of the Philippines under its jurisdictions may be granted only by the Director of the National Museum to institutions it may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to the rules and regulations as it may prescribe: Provided, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

**SEC. 5**. *Penalty*. That any person who shall appropriate, excavate, injure or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated within the territorial lands and water owned or controlled by the Republic of the Philippines, without the approved permission from the National Museum which have the jurisdiction over which said antiquities are to be protected, shall upon conviction be fined in a sum of not more than ten thousand pesos or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

**SEC. 6**. *Rules and Regulations Effecting the Preservation of Antiquities*. That the National Museum shall cause and publish from time to time rules and regulations for the purpose of carrying out the provisions of this Act.

1) No permit for the removal of any ancient monument or structure which can be permanently preserved under the control of the government *in situ*, and remain an object of interest, shall be granted.

2) Permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity will be granted, by the National Museum, to reputable museums, universities, colleges, or other recognized scientific or educational institutions.

3) No exclusive permits shall be granted for a larger area than the applicant can reasonably be expected to explore fully and systematically within the time limit named in the permit.

4) Each application for a permit should be filled with the National Museum, and must be accompanied by a definite outline of the proposed work indicating the name of the institution making the request, the date proposed for the beginning of the field work, the length of time proposed to be devoted to it, and the person who will have immediate charge of the work. The application must also contain an exact statement of the character of the work, whether examination, excavation, or gathering, and the public museum in which the collections made under the permit are to be permanently preserved. The application must be accompanied by a sketch plan or description of the particular site or area to be examined, excavated, or searched, so definite that it can be located on the map with reasonable accuracy.

5) No permit shall be granted for a period of more than three years, but if the work has been diligently prosecuted under the permit, the time may be extended for proper cause upon application.

6) Failure to begin work under a permit within six months after it is granted, or failure to diligently prosecute such work after it has been begun, shall make the permit void without any order or proceeding by the Director of the National Museum.

7) At the close of every field work the institution conducting the examination, excavation or gathering shall report in duplicate to the National Museum, in such form as its Director may prescribe, and shall prepare in duplicate a catalogue of the collections and the photographs made during the field work, indicating therein such material, if any, as may be available for exchange.

8) Institutions and persons receiving permits for excavation shall, after the completion of the work, restore the lands upon which they have worked to their customary condition.

9) All permits shall be terminable at the discretion of the Director of the National Museum.

10) The National Museum shall, from time to time, inquire and report as to the existence of ruins and archaeological sites, historic and prehistoric ruins or monuments, objects of antiquity, historic landmarks, historic and prehistoric structures, and other objects of scientific interest.

11) The National Museum may at all times examine the permit of any person or institution claiming privileges granted in accordance with the Act and these rules and regulations, and may fully examine all work done under such permit.

12) Any object of antiquity taken, or collection made, within the territorial lands and water of the Republic of the Philippines, without a permit, as prescribed by this Act and the rules and regulations herein defined, or there taken or made, contrary to the terms of permit, or contrary to this Act and the rules and regulations herein defined, may be seized whenever found and at any time, by the proper designated officer of the National Museum, by deposit in the proper national depository or otherwise.

13) Every collection made under the authority of this Act and of the rules and regulations as defined herein, shall be preserved in the public museum designated in the permit and shall be accessible to the public. No such collection shall be removed from such public museum without the written authority of the National Museum, and then only to another museum, where it shall be accessible to the public; and when any public museum, which is a depository of any collection made under the provisions of this Act and the rules and regulations defined herein, shall cease to exist, every such collection in such public museum shall thereupon revert to the national collections and be placed in the proper national depository.

**SEC. 7**. *Repealing Clause*. All laws, executive orders or issuances, or any parts thereof which are inconsistent herewith are hereby repealed or amended accordingly.

**SEC. 8**. *Separability Clause*. If a provision of this Act shall be declared unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

**SEC. 9**. *Effectivity Clause*. This Act shall take effect upon its publication in at least two (2) newspapers of general circulation.

Approved.