

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

THIRTEENTH CONGRESS
FIRST REGULAR SESSION

HB NO. 3839



INTRODUCED BY REP. EDMUNDO O. REYES, JR.

EXPLANATORY NOTE

The Philippines is a country blessed with diverse cultures, each with its own heritage. Several places and other properties survive as witnesses of our people's past achievements and accomplishments. Indeed, we can be proud of cultural heritage in abundance.

Unfortunately, many examples of cultural heritage are at the verge of ruin due to their prolonged exposure to the natural wear and tear. Many historic and cultural sites and properties are doomed to destruction because of the scant attention being given them.

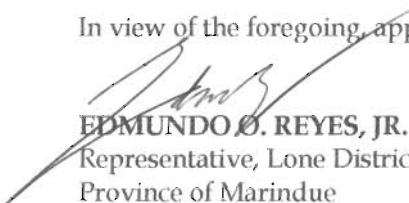
The Philippine government, in light of these conditions, made several attempts to heed the call for the protection and preservation of its heritage. Thus, the legislative department enacted several laws to bring about this goal. It must be noted however that such efforts fall short as against expectations. The lead agencies can only do so much to achieve this goal, which is far from their targets. This may be due to the scant support given to the institutions ministering to the same needs. The relevant laws do not have enough police power and sanctions to ensure that such laws are obeyed. The call for the protection and preservation of the country's cultural heritage grows all the more loudly.

This bill seeks to protect, preserve, conserve and promote the nation's cultural heritage, its properties and its histories, in order to conserve the ethnicity of local communities and of the nation as a whole. Similarly, it aims to establish and strengthen cultural institutions, and to protect cultural workers and assure their professional development and well being.

Amidst the scenario the cultural heritage is in, this bill is the appropriate response. This would cure the defects of the prior laws and strengthen their effects, not to mention, bring about the beneficial effects spoken of in studies conducted in this regard and seen in the experiences of other areas.

We need not overemphasize the relevance our cultural heritage as well as their protection and preservation. Thus, the immediate enactment of this bill is earnestly sought

In view of the foregoing, approval of this bill is highly and earnestly recommended.


EDMUNDO O. REYES, JR.
Representative, Lone District
Province of Marindue

House of Representatives

HB No. 3839

INTRODUCED BY REP. EDMUNDO O. REYES, JR.

AN ACT
PROVIDING FOR THE PROTECTION AND PRESERVATION OF PHILIPPINE CULTURAL
HERITAGE AND FOR OTHER PURPOSES

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

CHAPTER I
PRELIMINARY CONSIDERATIONS

Section 1. *Short Title.* – This Act shall be known as the “Philippine Cultural Heritage Act of 2003.”

SEC. 2. *Declaration of Policies.* – It is hereby declared to be the policies of the State:

- a) To protect, preserve, conserve and promote the nation’s cultural heritage, its property and histories, and the ethnicity of local communities;
- b) To establish and strengthen cultural institutions; and
- c) To protect cultural workers and assure their professional development and well- being.

SEC. 3. *Definition of Terms.* – For purposes of and as used in this Act, the following terms shall be taken and understood in the sense indicated hereunder:

- (a) Adaptive Re-use - using a building of cultural value for a purpose different from that for which it was intended originally, in order to conserve the site especially its architectural integrity;
- (b) Anthropological Area - any place where studies of specific ethno-linguistic groups are undertaken, the property of which are of value to Philippine cultural heritage;
- (c) Antique - a cultural property that is at least 100 years old. A significant cultural property that is less than 100 hundred years old but is no longer produced, and has flourished representing a characteristic historical period, shall also be considered an antique;
- (d) Archaeological Area - any place, whether above ground or underground, underwater or at sea level, containing fossils, artifacts and other cultural, geological, botanical, zoological materials which depict and document culturally relevant paleontological, prehistoric and/or historic events;
- (e) Archives - public and private records which have been selected for permanent preservation because of their evidential, historical informational value; otherwise known as archival materials/collections or archival holdings; the place (building/ room/storage area) where archival materials are kept and preserved; and an organization or agency or part thereof whose main responsibility is to appraise, arrange, describe, conserve,

promote and make archival materials available for reference and research, also known as archival agency;

- (f) Commission – refers to the National Commission for Culture and the Arts (NCCA) with its affiliate cultural agencies, which includes but not limited to the Cultural Center of the Philippines, Records Management and Archives Office, National Historical Institute, the National Library, National Museum, and the Komisyon sa Wikang Filipino, and for the purposes of this Act, the National Commission for Indigenous Peoples, the Department of Environment and Natural Resources, Department of Interior and Local Government, the Office of Muslim Affairs and the Autonomous Regional Government in Muslim Mindanao, shall be considered cultural agencies;
- (g) Conservation – all the processes and measures of looking after a place, artifacts, and ecofacts so as to retain its cultural significance; it includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation or any combination thereof;
- (h) Cultural Education - is the teaching and learning of essential cultural concepts and processes;
- (i) Cultural Heritage – the totality of cultural property preserved and developed through time and passed on to posterity;
- (j) Cultural Heritage Zone – refers to historical, anthropological, archaeological, artistic geographical areas and settings that are culturally significant to the country, the context of which needs to be preserved. It includes within its comprehension, cultural space;
- (k) Cultural Institution – refers to cultural agencies and all other entities engaged in cultural work;
- (l) Cultural Heritage Worker – an individual undertaking cultural heritage work;
- (m) Cultural Property- refers to all forms of human creativity by which a people and a nation reveal their identity, including such natural history specimens and sites, with cultural significance, which may be owned publicly or privately, and shall either be tangible or intangible;
 - 1) *Tangible Cultural Property* – is a cultural property which may either be movable or immovable; antique or newer but of rarity, with historical, anthropological, archaeological value and national history, museum specimen with significant value, exceptional or traditional rendition threatened by extinction whether of Philippine origin or not but held legally within the Philippines;
 - 2) *Intangible Cultural Property* – peoples' learned processes along with the knowledge, skills and creativity that inform and are developed by them, the products they create and the resources, spaces and other aspects of social and natural context necessary for their sustainability; these processes provide living communities with a sense of community with previous generations and are important to cultural identity, as well as to the safeguarding and cultural diversity and creativity of humanity;
- (n) Cultural Space- a form of intangible cultural property, that is an anthropological concept defined as a place where popular and traditional cultural activities are concentrated, or a period of time involving a degree of periodicity, either cyclical, seasonal or annual, or a particular event or physical space that owes its existence to the cultural events that traditionally take place there;

- (o) Dealers- refers to galleries and other commercial establishments, agents and other individuals dealing and engaging in cultural property for gain or profit;
- (p) History - is a record of past events whether in prehistoric times or historic times;
- (q) Historical Monument and Site - a place or setting where a significant development or event occurred, categorized as Historical Shrine, Historical Monument and Historical Landmark;
- (r) Historical Zones - places where important historical events occurred which are significant to a province, city, municipality or country;
- (s) Important Cultural Property- are those which have been singled out from among the innumerable cultural property as having exceptional historical and cultural significance to the Philippines, but are not sufficiently outstanding to merit the classification of "national cultural treasures";
- (t) Library - collection of books, computerized information, and other materials organized to provide physical, bibliographic, and intellectual access to a target group, with a staff that is trained to provide services and programs related to the information needs of the target group;
- (u) Local Government Units - refers to the provinces, cities and municipalities, barangays, including the autonomous regions;
- (v) Museum - a permanent institution in the service of cultural development which researches, acquires, conserves, communicates and exhibits for purposes of study, education and enjoyment, material evidences of man and his society and its development and is open to the public;
- (w) National Cultural Treasure - is a unique, tangible or intangible, object found locally, possessing outstanding historical, cultural, artistic and/or scientific value which is highly significant and important to the country and nation, and officially declared as such by pertinent cultural agency;
- (x) Natural History Research - a biological study in the area of systematics, including the collection of specimens of both flora and fauna as well as astronomy, geology and paleontology;
- (y) Natural Property of Cultural Significance - ecological features, such as seashores, the seabed and other submarine areas, and other places of scenic beauty which possesses a high value from the point of view of art or visual appreciation and similar spots with historical or ritual value; and other archaeological sites; animals and plants, as well as their habitats; geologic features where peculiar natural phenomena is seen and possessing high scientific value;
- (z) Reconstruction - returning of the existing fabric of a place, artifacts and ecofacts to a known or earlier state by removing accretions or by reassembling existing components;
- (aa) Registry - the official listing of Philippine Cultural Property;
- (bb) Renovation - is: work carried out on a heritage site or object without regard to the possibilities of restoration or reconstruction. Usually, it is the imposition of a value, principle, functions, esthetics and materials, original to the site or object; and

- (cc) Restoration – returning of the existing fabric of a place, artifacts and ecofacts to a known or earlier state by removing accretions inconsistent with historical progression or by reassembling existing components without the introduction of new materials;

CHAPTER II CULTURAL PROPERTY CATEGORIES

SEC. 4. *Categories.* – The Cultural Property of the country which are either publicly or privately owned, and tangible or intangible, shall be categorized as follows according to degree of importance:

- (a) National Cultural Treasure;
- (b) Important Cultural Property;
- (c) Autonomous Region Cultural Property
- (d) Provincial Cultural Property
- (e) City/Municipal Cultural Property
- (f) Barangay Cultural Property

The cultural agency concerned shall prescribe the necessary rules and regulations for the classification of cultural property for the above categories

SEC. 5. *National Cultural Treasure and Important National Property and other Kinds of Cultural Property.*– The Important National Cultural Property shall include the following:

- a) National geological wonders;
- b) National historical monuments;
- c) National historical shrines;
- d) National historical sites;
- e) National register holdings;
- f) Works by a Manlilikha ng Bayan;
- g) Works by a National Artist; and
- h) Forms of intangible heritage

The cultural agency concerned shall prescribe the necessary rules and regulations for the nomination and designation of cultural property under these categories. The cultural agency concerned shall regularly review the aforementioned Important Cultural Property to determine if any can qualify for designation as a National Cultural Treasure. All previously declared National Cultural Treasures are adopted and hereby recognized and shall maintain their status as such, unless otherwise reclassified.

SEC. 6. *National Cultural Treasure's Privileges.* – Cultural property designated as National Cultural Treasures shall be entitled to the following privileges:

- a) Government funding for protection, conservation and restoration;
- b) Incentive for private support of conservation and restoration through the Commission's Conservation Incentive Program for National Cultural Property;
- c) An official Heritage Marker to be placed by the cultural agency concerned indicating that the property has been identified as a cultural property; and
- d) In times of war, civil unrest and natural disasters, all National Cultural Treasures shall be given priority protection by the Government.

CHAPTER III CULTURAL HERITAGE ZONES

SEC. 7. *Historical Zone.* – The local government units in coordination with the National Historical Institute and the Commission shall designate Historical Zones to protect the historical integrity of said geographical areas.

SEC. 8. *Maintenance of Historical Zones.* – A Historical Zone shall be maintained by the local government as much as practicable in its physical appearance during the period when the place was of most importance to Philippine Cultural History as determined by pertinent cultural agencies. In this regard, the following guidelines shall be adopted:

- a) Implementation of adaptive re-use of buildings and sites and other forms of sustained conservation;

The best way to maintain an edifice of historical or cultural significance is to use it;

- b) (Appearance of streets, parks, monuments, buildings, natural bodies of water, canals, paths and barangays within a Historical Zone) The historical or cultural setting of a place within a Historical Zone, characterized by its streets, alleys, paths, buildings, monuments, plazas, gardens, fountains, pergolas and barangays shall be maintained as closely to their appearance at the time the area was of most importance to Philippine Cultural History.
- c) Renaming of streets shall reflect contemporary sentiments and historical events; and
- d) Renaming of streets shall reflect contemporary sentiments and historical events;

All valid contributions and elements of the different periods in the historical development of the Zone must be respected and preserved;

Introduction of in fill elements must be limited to visually compatible additions that contribute to the homogeneity of the Zone; the amount of in-fill elements, however, must be regulated to the calculated environmental capacity of the Zone; over-capacity will ruin the environmental balance and historical setting of the Zone;

Distinct and existing color, texture, scale and proportion within the Zone should be respected and emphasized;

Vista points within and outside the Zone must be established and maintained;

A buffer zone around the Zone must be established and also regulated; and

- d) Local government units shall document traditional celebrations, historical battles and other local customs that are unique to a Historical Zone, and sustain the popularity of the celebrations, the recreation of battles, the reenactment of customs as part of the local cultural programs;

SEC. 9. *Designation of Cultural Space.* – The local government units, in coordination with the Cultural Center of the Philippines and the Commission shall designate cultural space to protect intangible cultural property of the community.

SEC. 10. *Documentation of Traditional and Contemporary Arts.* – The local government units shall as far as practicable, document traditional and contemporary arts including but not limited to crafts, handicrafts, performances – their raw materials, products, processes and makers within the cultural space.

The local government units shall encourage and sustain traditional arts and crafts as active and viable sources of income for the community.

The Commission, the Department of Trade and Industry, the Department of Tourism and other government agencies involved directly or indirectly in the production of goods shall assist the local government units in protecting their traditional and contemporary arts and crafts as well as making them viable for current and future markets.

The information produced in the documentation shall be published and made available as educational materials for local population and students.

CHAPTER IV REGISTRATION OF CULTURAL PROPERTY

SEC. 11. *Registration of Cultural Property.* – All cultural property of whatever class or category, regardless of ownership shall be registered with the proper authorities upon the effectivity of this Act. Government agencies and instrumentalities, government-owned and/or controlled corporations and their subsidiaries shall register such property within three (3) years upon effectivity of this Act. Private collectors, museums and galleries, and owners of private cultural property shall register such property within five (5) years upon effectivity of this Act.

SEC. 12. *Initial Inventory.* – The cultural agency concerned shall undertake initial inventory, evaluation and documentation of cultural property in continuous coordination with the local government unit. The cultural property thus identified will be marked according to their category by the cultural agency concerned. A registry of cultural property in the city, municipality and provincial level shall be kept by the cultural agency concerned and a copy thereof shall be furnished to the local government unit having territorial jurisdiction of the said cultural property. The cultural agency concerned and the local government shall continuously coordinate in making entries and monitoring the various Cultural Property therein located.

SEC. 13. *National Registry of Cultural Property.* – A National Registry of Cultural Property shall be established and maintained by the Commission, which shall contain the registry maintained by the local government units and cultural agencies.

SEC. 14. *Non-Divestment of Ownership.* – The private collectors and owners of cultural property shall not be divested of their possession and ownership thereof even after registration of said property as herein required. They shall continue to use and enjoy such property for lawful purposes.

SEC. 15. *Presumption of Use of Public Funds.* – All cultural property in the possession of the government or any of its agencies and instrumentalities upon the effectivity of this Act shall be presumed to have been acquired with the use of public funds or through donations. Accordingly, the beneficial ownership of said property shall pertain to the State and the possession thereof shall be subject to the pertinent rules and regulations prescribed by the cultural agency concerned.

CHAPTER V PROTECTION OF CULTURAL PROPERTY

SEC. 16. *Conservation, Restoration and Reconstruction of Cultural Property.*

- a) All measures on conservation, restoration and reconstruction of National Cultural Treasures, Important Cultural Property, Autonomous Region Cultural Property, Provincial Cultural Property, City/ Municipality Cultural Property and Barangay Cultural Property shall be undertaken only upon prior approval and with the supervision of the Commission through the cultural agency concerned;
- b) The private owners shall endeavor to establish working arrangements with the Commission and other cultural agencies and/or other entities that administer cultural property with the primary aim of preserving the integrity of the property;
- c) In the reconstruction of a place or structure, introduction of new materials having the same property as the original is allowed, or in extreme cases when original materials are no longer available, the use of entirely different material. Replacement of material is allowed when this affects structural stability and will not detract from the aesthetic appreciation of the building;

The process shall follow basic conservation principles, which shall be provided by the concerned agency. Each case should be treated as unique, and should be supported by appropriate project studies;

- d) With respect to the conservation and restoration of monuments and sites, the recommendations of national and international bodies involved in such activities shall be sought and incorporated in the respective conservation and restoration plans; and
- e) When the presence of any immovable cultural property of great significance is confirmed through documentation to be in danger, the Commission and the other agencies responsible shall immediately suspend all activities that will affect the site. The local government unit which has the jurisdiction over the site where the immovable cultural property is located shall report the same to the Commission immediately upon discovery and shall promptly adopt measures to secure the integrity of such immovable cultural property. The suspension of the activities shall be lifted only upon the written authority of the appropriate cultural agency.

SEC. 17. *Anthropological Research and Archaeological Exploration/ Excavation.*

- a) The National Museum shall take charge of regulating and controlling any foreign anthropological research and local and foreign archaeological excavation/exploration.
 - 1) All cultural property in archaeological context belong to the State and may be the subject of expropriation;
 - 2) No archaeological excavations for the purposes of obtaining materials and data of cultural value shall be undertaken except with the written authority and supervision of the National Museum;
 - 3) No research in an anthropological area where the principal proponent is a foreign national for the purpose of obtaining materials and data of cultural value shall be undertaken except with authority, coordination with and supervision by the National Museum; and
 - 4) No archaeological or anthropological item may leave the country without the evaluation and written permission of the National Museum.

- b) When the presence of any cultural property is discovered, the cultural agencies responsible thereof shall immediately suspend all activities that will affect the site and shall immediately notify the LGU having jurisdiction of the place where the discovery was made. The local government shall promptly adopt measures to protect and safeguard the integrity of the cultural property so discovered and within seven (7) days from the discovery shall report the same to the National Museum. The suspension of the activities shall be lifted only upon the written authority of the National Museum after the systematic recovery of the archaeological materials.
- c) The National Museum shall make provisions for incentives for persons who shall discover and report heretofore-unknown archaeological sites.
- d) (Any government or non-government infrastructure project or architectural site development) All public works, government or non-government infrastructure and urban renewal projects within a historical or cultural zone, or those directly affecting or involving historical or cultural property shall include anthropological, archaeological, historical and heritage site conservation in their environmental impact studies. For this purpose, one percent of the total budget of the program/project shall be held in reserve to underwrite the cost of the study.

SEC. 18. *Immovable National Cultural Treasures.* – National Cultural Treasures, which are immovable, shall not be relocated, rebuilt, defaced or otherwise changed in a manner, which would destroy the property's dignity except to save such property from destruction due to natural causes or for other reasons of paramount national or international significance, or it is the only way to save the object from extinction.

SEC. 19. *Systematic Research in Natural History.* – The National Museum has the authority to collect, maintain and develop the national reference collections of types of Philippine flora and fauna, rocks and minerals through research and field collection of specimens including important Cultural Property within the territorial jurisdiction of the Philippines. The National Museum shall inform the Department of Environment and Natural Resources of such collection.

SEC. 20. *Renaming of Historical Streets, Buildings Designated as Cultural Treasure or Property.* – No historical streets, parks, buildings, shrines, landmarks, monuments and sites designated as National Cultural Treasures or Important Cultural Property shall be renamed except upon written application and approval of the National Historical Institute through the Commission.

SEC. 21. *Power to Inspect.* – The cultural agencies concerned through the Commission is hereby given the power to inspect listed National Cultural Treasures, Important National Cultural Property at any time to ensure the protection and integrity of such cultural items identified under the National Registry. They may also inspect public or private collections or objects that may be categorized as cultural property.

SEC. 22. *Power to Deputize the Philippine National Police (PNP), National Bureau of Investigation (NBI) and the Armed Forces of the Philippines (AFP).* – The cultural agencies concerned, through the Commission shall deputize local or national law enforcement agencies, including the AFP, to enforce the provisions of this Act and its implementing Rules and Regulations. The PNP, NBI and AFP shall, upon the request of the Commission, detail their respective personnel to protect the cultural items under the National Registry.

SEC. 23. *Eminent Domain.* – The Commission may exercise eminent domain on a registered site, subject to availability of funds. If a registered site is a property of the government, the cultural agencies concerned through the Commission may undertake emergency repairs and maintenance work with due notification to the government agency or unit having possession or ownership of the registered site.

SEC. 24. *Cultural Property Tax.*— Provinces, cities and municipalities, through their respective *Sanggunians*, may levy a Cultural Property tax of $\frac{1}{4}$ of 1% on the assessed value of the real property such as lands, buildings, machinery and other improvements within their respective jurisdictions.

Collections from this Cultural Property Tax shall be used exclusively for any of the following purposes:

1. Restoration, reconstruction and preservation of designated local cultural property;
2. Local cultural education programs;
3. Restoration and maintenance of cultural heritage zones;
4. Organization, support and assistance to local historical and cultural clubs and associations; and
5. Restoration and preservation of designated Important Cultural Property within their localities.

CHAPTER VI DEALINGS OF CULTURAL PROPERTY

SEC. 25. *Licensing of Dealers of Cultural Property.* – a) All dealers of cultural property shall secure a license to operate as such from the appropriate cultural agency concerned. They shall submit a quarterly inventory of items carried, which shall include a history of each item. Failure to submit two (2) consecutive inventories shall be a ground for cancellation of the license. All dealers of Cultural Property shall be subject to inspection of the cultural agencies.

b) The cultural agencies may charge and collect fees for registration as well as for licenses, inspections, certifications, authorizations and permits that they issue and undertake in connection with the implementation of this Act. Funds generated from these collections by cultural agencies shall be retained by the cultural agency concerned for its operations.

SEC. 26. *Dealings of Cultural Property.* No cultural property shall be sold, resold or taken out of the country without first securing a clearance from the cultural agency concerned.

CHAPTER VII RESPONSIBILITY OF CULTURAL AGENCIES

SEC. 27. *Responsibilities of Cultural Agencies for Designation of Cultural Property.* – The cultural agencies, conformably with their respective charters, shall define and delineate upon consultation among themselves their respective areas of responsibility with respect to cultural property and assessment of National Cultural Treasures. These areas shall be subject to periodic reassessment whenever necessary. For purposes of this Act, the following shall comprise the responsibilities of cultural and other agencies for the categorization of cultural property:

- a) The Cultural Center of the Philippines (CCP) shall be responsible for cultural property pertaining to the performing arts;
- b) The Records Management and Archives Office (RMAO) shall be responsible for records, documents and archival materials;

- c) The National Library (NL) shall be responsible for rare and contemporary books, periodicals, newspapers, singly or in collection, and libraries and electronic records;
- d) The National Historical Institute (NHI) shall be responsible for movable and immovable cultural property that pertain to Philippine History with written records;
- e) The National Museum (NM) shall be responsible for movable and immovable cultural and natural property of significance that pertain to collections of Fine Arts, Archaeology, Anthropology, Botany, Geology, Zoology and Astronomy;
- f) The Department of Tourism (DOT) shall be responsible for cultural education among tourism services, and protection of cultural property supplemental to the jurisdiction of the cultural agencies as defined in this Act. The implementation and creation of a tourism master plan shall be consistent with this Act;
- g) The *Komisyon sa Wikang Filipino* shall be responsible for the propaganda and promotion of a national Filipino language and the conservation of ethnic language;
- h) The National Commission on Indigenous Peoples (NCIP) acting through indigenous cultural communities shall coordinate with the National Agencies on matters pertaining to Cultural Property under its jurisdiction;
- i) The Department of Environment and Natural Resources (DENR) shall be responsible designating Cultural Property under its jurisdiction. It shall also be responsible under its existing mandates to regulate areas considered as environmentally critical areas, which include historical, cultural and archeological sites;
- j) The Department of the Interior and Local Government (DILG) shall coordinate with the National Agencies on matters pertaining to Cultural Property under its jurisdiction, and ensure that the provisions of this Act is properly executed by the Local Government Units;
- k) The Office of the Muslim Affairs (OMA) shall coordinate with the National Agencies on matters pertaining to Cultural Property under its jurisdiction; and
- l) The Autonomous Regional Government in Muslim Mindanao (ARMM) and the Cordillera Autonomous Region (CAR) shall coordinate with the National Agencies on matters pertaining to Cultural Property under their respective jurisdictions.

SEC. 28. *Role of LGUs on Provincial/Community Cultural Property.* – Except for the barangays, local government units may file their application of nomination for Important Provincial, City or Municipal Cultural Property by means of a certified resolution passed by their respective local government councils.

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

SEC. 30. *Training Programs.* – The Commission, in coordination with the National Museum, National Historical Institute and National Archives shall provide general training programs on conservation to the local government units which have established cultural heritage programs and projects in their localities.

CHAPTER VIII CULTURAL PROPERTY INCENTIVES PROGRAM

SEC. 31. *Donation by Private Individuals and Institutions to Cultural Agencies.* Any donation by private individuals or institutions to cultural agencies, as certified by the Commission, shall be deductible from the gross taxable income of the individual or institution concerned, for any of the following cultural programs or purposes:

- 1) purchase of National Treasure or Important Cultural Property;
- 2) support for scientific and cultural research anthropological projects, explorations and archaeological excavations for the Commission and its cultural agencies and accredited academic and research institutions;
- 3) cultural, archaeological, anthropological, historical research and exhibitions and performances for the Commission and cultural agencies;
- 4) purchase of equipment and instruments for cultural agencies;
- 5) cultural education programs and scholarships; and
- 6) maintenance, conservation, restoration of a National Cultural Treasure or a Heritage Zone.

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

SEC. 32. *Incentives for Private Individuals, Collectors or Entities Financing Archeological Excavation.* Private individuals, collectors or entities dealing with cultural property who will finance the entire cost of an archaeological excavation under the supervision of the National Museum or the conservation of a historical site under the supervision of the National Historical Institute, whether on private or public land, may avail of an alternative to income tax deduction benefits arising from donations as provided for in this Act.

SEC. 33. *Sharing of Cultural Property.* In the sharing of cultural property recoveries, all the unique pieces, diagnostic and/or non-marketable property shall belong to the National Museum. Thereafter, the manner of sharing shall be as follows: the first choice of the cultural property recovered shall be that of the National Museum; the second choice will be that of the financier. The alternative choosing by the two (2) parties shall continue until the full share of the financier has been determined.

CHAPTER IX CULTURAL HERITAGE WORKERS INCENTIVES PROGRAM

SEC. 34. *Cultural Heritage Workers' Incentives.* The Commission through the cultural agencies shall institute scholarships, educational training programs, and other measures to protect the well being of curators, conservators, authenticators and valuers/appraisers of cultural property and other cultural heritage workers.

- a) *Program for Cultural Heritage Workers.* Within ninety (90) days from the effectivity of this Act, the Commission through the cultural agencies concerned shall provide for the following programs for cultural heritage workers:
 - 1) an active Roster of Authenticators and Roster of Valuers/ Appraisers;
 - 2) education and training programs for conservators, authenticators and valuers/appraisers;

- 3) propose a general training program on conservation for local government units.
- b) **Application of Scientific Career Merit System.** Cultural heritage workers in the Civil Service with a Doctorate, Master of Science or Master of Arts Degree, shall be given the rank and benefits of National Scientists, subject to qualifying standards equivalent to those prescribed in the scientific career merit system of the government.

The Commission shall establish a merit award system for non-civil service cultural heritage workers.

CHAPTER X SUSTAINABLE CULTURAL EDUCATION

SEC. 35. *Incorporation of Education Program on National Cultural Treasures and Important National Cultural Property in the Basic Education System.* – After one (1) year from the effectivity of this Act, the Department of Education in coordination with the Commission shall formulate cultural heritage education programs to be incorporated into formal, non-formal and informal education, with emphasis on the protection, conservation and preservation of cultural heritage property.

SEC. 36. *Public Accessibility.* – Access to historic monuments and sites, whether designated as Important National, Autonomous, Provincial, City, Municipal or Barangay Cultural Property, by the general public for visitation and information, and government representatives for inspection, shall not be hindered except on reasonable cause.

Fees, as prescribed by the cultural agency concerned, may in appropriate cases be charged to defray cost of conservation, inclusive of general maintenance and upkeep. In the case of privately owned monuments and sites, the National Historical Institute shall arrange with the owners the schedules of visits and regular inspection.

CHAPTER XI CULTURAL HERITAGE TRUST FUND

SEC. 37. *Cultural Heritage Trust Fund.* A Cultural Heritage Trust Fund is hereby established exclusively for the protection and preservation of National Cultural Treasures and other important cultural property to be administered by the Commission. Contributions shall be the following:

- 1) The amount of One Hundred Twenty Million Pesos (120,000,000) from the net earnings of the Philippine Amusement and Gaming Corporation, through a monthly contribution of Ten Million Pesos (P10,000,000) for twelve (12) months, as seed capital;
- 2) Proceeds from fees for registration of cultural property; and
- 3) Donations from local and international sources.

For purposes of raising funds for the maintenance and restoration of cultural property, the Commission may sponsor fund raising activities that promote culture.

CHAPTER XII VIOLATIONS AND PENALTIES

SEC. 38. *Violations.* – The following acts and omissions shall constitute violations of this Act which shall be penalized with the sanctions prescribed therein:

- a) Unjustified failure to report the ownership and possession of cultural property and register the same as required under Section 11 hereof;
- b) Use of private cultural property for purposes contrary to law or in a manner inimical to national interest or state policy as declared in this Act;
- c) Unauthorized acquisition by a public official of cultural property with the use of public funds;
- d) Unauthorized exportation of national cultural treasures outside the country to the prejudice of national interest;
- e) Any alteration, modification, construction or infrastructure work around or in the vicinity affecting immovable national cultural treasures without the written permission of the cultural agencies concerned;
- f) Relocation of immovable national cultural treasures and the building of structures or undertaking of activities that detract from the property's dignity or introduce anything that will pose structural instability;
- g) Dealing in cultural property without a license issued by the cultural agency concerned;
- h) Modifying, altering, repairing, defacing, or destroying the original features of any historical monument or site, or causing any damage on registered cultural property without a written permit from the cultural agency concerned;
- i) Unauthorized occupancy of important cultural property or the use thereof by any private entity or government agency for resettlement purposes;
- j) Undertaking archaeological excavations to obtain materials and data of cultural value without written permission and supervision of the National Museum;
- k) Undertaking anthropological research with a foreign national as the principal proponent to obtain materials and data of cultural value without the written permission and supervision of the National Museum;
- l) Exportation of any archaeological, anthropological and item of important cultural significance, including rare traditional ethnographic items, without the evaluation and written permission of the National Museum;
- m) Unjustified failure by the local government official or officials concerned to adopt measures to protect and safeguard the integrity of cultural property including those accidentally discovered during archaeological excavation, and to report such discovery to the National Museum;
- n) Unjustified failure by dealers in cultural property to submit two (2) consecutive inventories as required herein;
- o) Theft or vandalism of a National Cultural Treasure or an important National Cultural Property found among the collections or sites of the cultural agency concerned or other government office or instrumentality; and
- p) Undertaking biological research by a foreign national to obtain materials of scientific value without written permission from the National Museum in coordination with the

Department of Environment and Natural Resources and other pertinent government agencies.

SEC. 39. *Penal Provisions.* –

- a) Any person found guilty of violating this Act shall be punished with *prison correccional* with minimum and maximum period of two (2) years, four (4) months and one (1) day to six (6) years imprisonment. In addition, the objects, items or materials attempted to be concealed from registration or intended to be exported or excavated in violation of this Act or used for unlawful purposes shall be forfeited in favor of the cultural agency concerned. If a foreign national commits the violation, the penalty imposable shall include deportation after service of sentence, forfeiture of the property in favor of the Commission and payment of damages. In case the violation is committed by an organization, the head of the organization and person directly liable shall be the subject of the sanctions;
- b) Any violation of this Act by a cultural worker who has access to public cultural property shall be considered an aggravating circumstance under the Revised Penal code. In addition, to the above-prescribed penalty, the guilty party shall be meted the punishment under Article 226 of the Revised Penal Code and shall be sentenced to suffer the disqualification to hold public office.

CHAPTER XIII FINAL PROVISIONS

SEC. 40. *Separability Clause.* – If any section or provision of this Act is declared unconstitutional or invalid, the other provisions or sections not affected thereby shall remain in full force and effect.

SEC. 41. *Repealing Clause.* – All other laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly

SEC. 42. *Effectivity* – This Act shall take effect after fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,