

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Third Regular Session



HOUSE BILL. NO. **6179**

Introduced by Representatives Rosenda Ann Ocampo, Kimi S. Cojuangco, Winston
"Winnie" T. Castelo and Alfredo D. Vargas III

EXPLANATORY NOTE

Enshrined in the 1987 Constitution is the mandate that the State shall "conserve, promote and popularize the nation's historical and cultural heritage and resources, as well as artistic creations." It further 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."

Our history, culture, and heritage are intangible ideas that connect Filipinos to each other and unite us in a national identity. It is this shared history that must drive us towards a desire for inclusive progress in our nation.

Unfortunately, in other parts of the country there is still a lack of appreciation and knowledge towards the preservation and protection of cultural properties. In the recent months following the issue of preserving the vista of the Rizal Monument, there have been numerous reports on the desecration and mutilation of important cultural properties such as the demolition of the Army and Navy Club, gouging of Admiral Hotel along Roxas Boulevard in Manila, impending demolitions of El Hogar in Binondo, Manila, Dampol Arc in Nueva Vizcaya and the ancestral houses in Palo Leyte, and many others.

Due to this continued disregard and wanton destruction of cultural properties within the country, the need to further strengthen the National Cultural Heritage Act of 2009 (Republic Act No. 10066) and amend the Law Creating the National Commission for Culture And The Arts (Republic Act No. 7356) emerges, to properly and urgently address the threats to our cultural heritage. In the amendment of the said laws, the powers and functions of the National Commission for Culture and the Arts (NCCA) will be enhanced in order for the Commission to implement heritage conservation programs and activities as well as enforce laws on heritage conservation. The cultural properties will be properly identified and uniformly categorized, thereby identifying the layer of protection that will cover them. The power to declare, delist, and exempt National Cultural Treasures or Important Cultural Properties are vested in the NCCA or the appropriate cultural agency, which they may exercise *motu proprio* or upon application by any interested party.

The NCCA's powers to issue a Cease and Desist Order, Protection Order and Restoration or Rehabilitation Order are further strengthened and procedures clearly laid out to ensure stronger enforcement and protection. A new provision was inserted to address the recent issues between development and preservation by requiring Heritage Permits for any construction, alteration, repair, removal, conversion or demolition of any building or structure

from the local government unit or the NCCA to ensure that no cultural property within its jurisdiction will be affected. Moreover, the proposed addition of the Legal Office and the Conservation Division will further strengthen the capacity of the NCCA to perform its mandate.

The overlapping jurisdiction of cultural agencies will also be addressed in this Bill by rationalizing the powers and duties of affiliated cultural agencies. Properly identifying the functions of each cultural agency will help in immediately identifying the agency that is responsible for the protection and preservation of each cultural property.

Private sector support is encouraged by facilitating the conservation, restoration and rehabilitation of cultural property through creative arrangements pursuant to the Build-Operate-and-Transfer (BOT) and the Public-Private Partnership (PPP) laws or other similar laws. Privileges accorded to cultural properties are also expanded to include tax incentive in the form of tax credit, refund, or a deductible expense equivalent to one hundred percent (100%) of the amount assumed by the private property owner for the preservation and/or conservation of the cultural property.

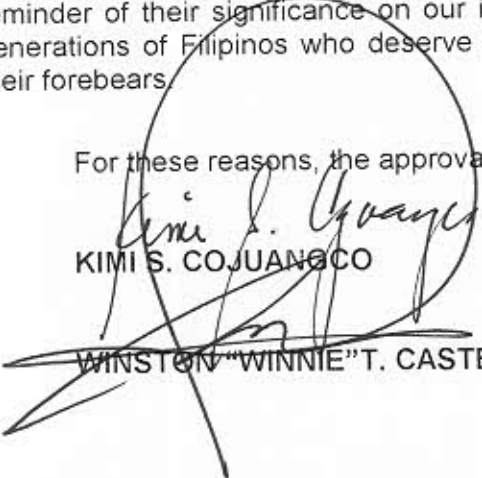
Furthermore, recognizing that the cultural properties of the country are invaluable and immeasurable, this Bill also seeks to amend the Penal Provision of R.A. 10066 by providing stiffer penalties.

According to the World Commission on Culture and Development, "culture is the fountain of our progress and creativity and must be carefully nurtured to grow and develop." Contrary to usual perceptions, culture and heritage can also be catalysts for development, especially when important cultural properties are protected. Preserving the integrity of cultural properties need not stifle development of new structures. Cultural heritage tourism plays an important sector to community economic development, a good example of which is Vigan City. The growth of tourism in Vigan City has contributed to greater income generation and employment opportunities to the community.

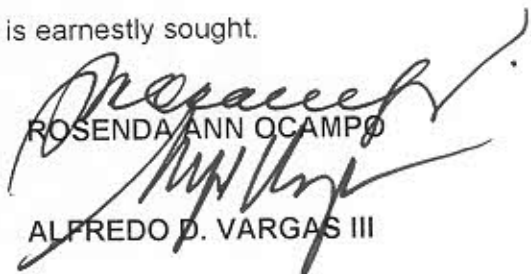
In fact, the Hangzhou Declaration recognizes that heritage conservation is a part of a sustainable development plan and advocates placing culture at the heart of public policy. The relevant provision state that "the potential of culture as a driver for sustainable development, through the specific contributions that it can make – as knowledge capital and a sector of activity – to inclusive social, cultural and economic development, harmony, environmental sustainability, peace and security. This has been confirmed by a wealth of studies and demonstrated by numerous concrete initiatives."

With strong policies in place and their effective implementation, urban development and economic progress can coexist with heritage preservation. Our cultural properties are physical manifestations of this ideal, and sacred symbols of our nationhood and ongoing historical narrative. It is incumbent upon us to preserve these treasures, not only as a reminder of their significance on our identity, but also as a gift to our posterity, the future generations of Filipinos who deserve to inherit a strong sense of culture and history from their forebears.

For these reasons, the approval of this Bill is earnestly sought.


KIMI S. COJUANGCO

WINSTON "WINNIE" T. CASTELO


ROSENDA ANN OCAMPO

ALFREDO D. VARGAS III

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HOUSE BILL NO. **6179**

Introduced by Representatives Rosenda Ann Ocampo, Kimi S. Cojuangco,
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AN ACT

STRENGTHENING THE MECHANISMS FOR THE PROTECTION AND CONSERVATION OF THE NATIONAL CULTURAL HERITAGE BY BROADENING THE MANDATE OF THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS, ENHANCING ITS POWERS AND FUNCTIONS, RATIONALIZING THE POWERS AND DUTIES OF AFFILIATED CULTURAL AGENCIES, PROVIDING STIFFER PENALTIES FOR VIOLATIONS THEREOF, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10066, OTHERWISE KNOWN AS THE "NATIONAL CULTURAL HERITAGE ACT OF 2009" AND REPUBLIC ACT NO. 7356, OTHERWISE KNOWN AS "THE LAW CREATING THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS"

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

CHAPTER I

**AMENDMENTS TO REPUBLIC ACT NO. 7356, OR THE LAW
CREATING THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS**

SECTION 1. Title II, Section 8 of Republic Act No. 7356 is hereby amended as follows:

"SEC. 8. The Commission. – A National Commission for Culture and THE Arts is hereby created to formulate policies for the development of culture and arts; implement [these] policies AND PROGRAMS ON ITS OWN OR in coordination with affiliated cultural agencies; coordinate the implementation of programs of these affiliated agencies; administer the National Endowment Fund for Culture and Arts (NEFCA); encourage artistic creation within a climate of artistic freedom; develop and promote the Filipino national culture and arts; and preserve Filipino cultural heritage. The Commission shall be an independent agency. It shall render an annual report of its activities and achievements to the President and to Congress.

SECTION 2. Title II, Sections 12 and 13 of Republic Act No. 7356 are hereby amended as follows:

"SEC. 12. Mandate. – The Commission is hereby mandated to ENFORCE LAWS, IMPLEMENT PROGRAMS AND ACTIVITIES, AND formulate and implement policies and plans, in accordance with the principles stated in Title 1 of this Act.

xxx

1
2 "b) xxx

3
4 xxx

5
6 "8) encourage, support and systematize the audio-visual documentation of
7 Filipino cultural expressions in the contemporary period[.]; AND

8
9 "9) ENFORCE LAWS ON HERITAGE CONSERVATION AND IMPLEMENT
10 HERITAGE CONSERVATION PROGRAMS AND ACTIVITIES."

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12 xxx

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14 xxx

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16 "SEC. 13. Powers and Functions. - To carry out its mandate, the Commission
17 shall exercise the following powers and functions:

18
19 xxx

20
21 xxx

22
23 "l) regulate activities inimical to preservation/conservation of national cultural
24 heritage/properties[.];

25
26 "M) PLAN AND IMPLEMENT HERITAGE CONSERVATION PROGRAMS AND
27 ACTIVITIES; AND

28
29 "N) ENFORCE LAWS ON HERITAGE CONSERVATION."

30
31 **CHAPTER II**
32 **AMENDMENTS TO REPUBLIC ACT NO. 10066, OR**
33 **THE NATIONAL CULTURAL HERITAGE ACT OF 2009**

34 **SECTION 3. -** Article II, Section 3 of Republic Act No. 10066 is hereby amended as follows:

35
36 "SEC. 3. *Definition of Terms.*- [For purposes of this Act, the following terms shall
37 be defined as follows] As used in this Act:

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39 xxx

40
41 "(d) "Archaeological area" shall refer to any place, whether above or
42 underground, underwater or at sea level, containing fossils, artifacts and other
43 cultural, geological, botanical, zoological materials which depict and document
44 [culturally relevant paleontological], prehistoric and/or historic events.

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46 xxx

47
48 "(j) "Cultural agencies" shall refer to the following national government
49 agencies [with their specific areas of responsibility]: National Museum [(cultural

property);,[the] National Library OF THE PHILIPPINES[(books);], National Historical [Institute] COMMISSION OF THE PHILIPPINES [(Philippine history);], National Archives OF THE PHILIPPINES [(documents);], Cultural Center of the Philippines [(culture and the arts);], and Komisyon sa Wikang Filipino [(language)].

xxx

“(M) “CULTURAL HERITAGE MAPPING” SHALL REFER TO THE APPROACH USED TO IDENTIFY, RECORD, AND USE CULTURAL RESOURCES AND ACTIVITIES FOR BUILDING COMMUNITIES. IT IS A SET OF ACTIVITIES AND PROCESSES FOR EXPLORING, DISCOVERING, DOCUMENTING, EXAMINING, ANALYZING, INTERPRETING, PRESENTING AND SHARING INFORMATION RELATED TO PEOPLE, COMMUNITIES, SOCIETIES, PLACES AND THE MATERIAL PRODUCTS AND PRACTICES ASSOCIATED WITH THEM.

“(N) [(m)] “Cultural heritage worker” shall refer to [an individual undertaking]ANY PERSON ENGAGED IN cultural heritage work, WHICH SHALL INCLUDE CONSERVATION, EDUCATION, RESEARCH AND ARCHAEOLOGY, ARCHIVAL, CONSERVATORSHIP, CURATORSHIP, AUTHENTICATION, APPRAISAL, EVALUATION AND MANAGEMENT OF CULTURAL PROPERTY.

“(O) [(n)] “Cultural institution” shall refer to entities engaged primarily in cultural work.

“(P) “CULTURAL LANDSCAPE” SHALL REFER TO A GEOGRAPHIC AREA INCLUDING BOTH THE CULTURAL AND NATURAL RESOURCES AND THE FLORA AND FAUNA FOUND THEREIN ASSOCIATED WITH A HISTORIC EVENT, ACTIVITY OR PERSON OR EXHIBITING OTHER CULTURAL OR AESTHETIC VALUES;

“(Q) [(o)] “Cultural property” shall refer to [all products of human creativity by which a people and a nation reveal their identity, including churches, mosques and other places of religious worship, schools and natural history specimens and sites, whether public or privately-owned, movable or immovable, and tangible or intangible] PROPERTY, WHETHER MOVABLE OR IMMOVABLE, TANGIBLE OR INTANGIBLE, OR PUBLICLY OR PRIVATELY OWNED OR OTHERWISE OWNED UNDER THE INDIGENOUS CONCEPT OF OWNERSHIP UNDER REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS THE INDIGENOUS PEOPLES RIGHTS ACT OF 1997, WHICH, ON RELIGIOUS OR SECULAR GOURNDS, ARE OF IMPORTANCE TO A PEOPLE AND NATION FOR ARCHAEOLOGY, PREHISTORY, HISTORY, PHILOSOPHY, POLITICS, ANTHROPOLOGY, ARTS, AND SCIENCE AND TECHNOLOGY.

“(R) [(p)] “Dealers” shall refer to natural or juridical persons who acquire cultural property for the purpose of engaging in the acquisition and disposition of the same.

“(S) [(q)] “Heritage zone” shall refer to historical, anthropological, archaeological, artistic geographical areas and settings that are culturally significant to the country, as declared by the National Museum and/or the National Historical [Institute] COMMISSION OF THE PHILIPPINES.

1 “(T) [(r)] “History” shall refer to a written record of past events relating to
2 Philippine history.

3
4 “(U) [(s)] “Historical landmarks” shall refer to sites or structures that are
5 associated with events or achievements significant to Philippine history as declared
6 by the National Historical [Institute] COMMISSION OF THE PHILIPPINES.

7
8 “(V) [(t)] “Historical monuments” shall refer to structures that honor illustrious
9 persons or commemorate events of historical value as declared by the National
10 Historical [Institute] COMMISSION OF THE PHILIPPINES.

11
12 “(W) [(u)] “Historical shrines” shall refer to historical sites or structures
13 hallowed and revered for their history or association as declared by the National
14 Historical [Institute] COMMISSION OF THE PHILIPPINES.

15
16 “(X) [(v)] “Historical street name” shall refer to a street name which has been
17 in existence for at least fifty (50) years and over time has been considered historic.

18
19 “(Y) [(w)] “Important cultural property (ICP)” shall refer to a cultural property,
20 WHETHER TANGIBLE OR INTANGIBLE, having exceptional cultural, artistic,[and]
21 historical,AND/OR SCIENTIFIC significance to the Philippines, as [shall be
22 determined by the National Museum and/or National Historical Institute]
23 DECLARED BY THE COMMISSION OR THE APPROPRIATE CULTURAL AGENCY.

24
25 “(Z) [(x)] “Intangible cultural heritage” shall refer to the practices,
26 representations, expressions, knowledge and skills, as well as the instruments,
27 objects and artifacts associated therewith, that communities, groups and individuals
28 recognize as part of their cultural heritage, such as: (1) oral traditions, languages
29 and expressions; (2) performing arts; (3) social practices, rituals and festive events;
30 (4) knowledge and practices concerning nature and the universe; and (5) traditional
31 craftsmanship.

32
33 “(AA) [(y)] “Intangible cultural property” shall refer to the peoples' learned
34 processes along with the knowledge, skills and creativity that inform and are
35 developed by them, the products they create and the resources, spaces and other
36 aspects of social and natural context necessary for their sustainability.

37
38 “[(z)] “Library” shall refer to an institution where the collection of books,
39 manuscripts, computerized information and other materials are organized to
40 provide physical, bibliographic and/or intellectual access to the public, with a
41 librarian that is trained to provide services and programs related to the information
42 needs of its clientele.]

43
44 “(BB) “LOCAL CULTURAL PROPERTY” SHALL REFER TO CULTURAL PROPERTY
45 IDENTIFIED BY A LOCAL GOVERNMENT UNIT;

46
47 “(CC) [(aa)] “Museum” shall refer to a permanent institution that researches,
48 acquires, conserves, communicates and exhibits the material evidence of humans
49 and their environment for purposes of education or leisure.

1 “(DD) [(bb)] “National cultural treasure” shall refer to a unique cultural
2 property, WHETHER TANGIBLE OR INTANGIBLE [found locally], possessing
3 outstanding historical, cultural, artistic and/or scientific value which is highly
4 significant and important to the country and nation, and officially declared as such
5 by THE COMMISSION OR THE APPROPRIATE [pertinent] cultural agency.
6

7 “(EE) [(cc)] “Nationally significant” shall refer to historical, aesthetic, scientific,
8 technical, social and/or spiritual values that unify the nation by a deep sense of
9 pride in their various yet common identities, cultural heritage and national
10 patrimony.
11

12 “(FF) [(dd)] “Natural property of cultural significance” shall refer to areas
13 possessing outstanding ecosystem with flora and fauna of national scientific
14 importance under the National Integrated Protected Areas System.
15

16 “(GG) [(ee)] “NCCA Portal Cultural Databank” refers to the specific domain in
17 the Commission[’s intranet for cultural information that is accessed only internally
18 with control and confidentiality] THAT MAY BE ACCESSED, SUBJECT TO RULES AND
19 REGULATIONS THAT MAY BE IMPOSED BY THE COMMISSION. It includes the
20 registry of national cultural property.
21

22 “(HH) [(ff)] “Prehistory” shall refer to the period of human history before the
23 introduction of the forms of writing.
24

25 “(II) “PROTECTION” SHALL REFER TO THE OBLIGATION TO SAFEGUARD THE
26 CULTURAL PROPERTY AND UNDERTAKE MEASURES NECESSARY FOR SUCH
27 PURPOSE; AND TO PROHIBIT, PREVENT AND PUT A STOP TO ANY FORM OF
28 THEFT, PILLAGE OR MISAPPROPRIATION OF CULTURAL PROPERTY, AND REFRAIN
29 FROM, PREVENT AND PROHIBIT ACTS THAT DESECRATE, DESTROY OR DAMAGE
30 THE CULTURAL PROPERTY, INCLUDING THOSE THAT ADVERSELY AFFECT ITS
31 INTEGRITY, ITS SURROUNDINGS AND/OR VISTA.
32

33 “(JJ) [(gg)] “Registry” shall refer to the Philippine Registry of Cultural Property
34 which is the registry of all cultural property of the country deemed of significant
35 importance to our cultural heritage.
36

37 “(KK) [(hh)] “Restoration” shall refer to the action taken or the technical
38 intervention to correct deterioration and alterations.
39

40 “(LL) [(ii)] “Tangible cultural property” shall refer to a cultural property with
41 historical, archival, anthropological, archaeological, artistic and architectural value,
42 and with exceptional or traditional production, whether of Philippine origin or not[,
43 including antiques and natural history specimens with significant value]. IT SHALL
44 INCLUDE PLACES OF RELIGIOUS WORSHIP; SCHOOLS AND NATURAL HISTORY
45 SPECIMEN, AND ARCHAEOLOGICAL AND OTHER SITES; OBJECTS OF
46 ETHNOLOGICAL INTEREST; WORKS OF OR RELATING TO HISTORY AND THE LIFE
47 OF NATIONAL LEADERS, THINKERS, SCIENTISTS, AND ARTISTS; RARE
48 MANUSCRIPTS AND INCUNABULA, OLD BOOKS, DOCUMENTS AND PUBLICATIONS,
49 AND PHOTOGRAPHIC AND CINEMATOGRAPHIC MATERIALS OF SPECIAL

INTEREST; POSTAGE, REVENUE AND SIMILAR STAMPS; ANTIQUITIES; AND ARCHIVES."

SECTION 4. Article III, Sections 4 to 10 of Republic Act No. 10066 are hereby amended as follows:

"SEC. 4. *Categories.* - The cultural property of the country shall be categorized as follows:

- [(a) National cultural treasures;
- (b) Important cultural property;
- (c) World heritage sites;
- (d) National historical shrine;
- (e) National historical monument; and
- (f) National historical landmark.]

"1. CATEGORY I, WHICH SHALL CONSIST OF:

- "(A) NATIONAL CULTURAL TREASURES;
- "(B) WORLD HERITAGE SITES;
- "(C) NATIONAL HISTORICAL SHRINE;
- "(D) NATIONAL HISTORICAL MONUMENT;
- "(E) NATIONAL HISTORICAL LANDMARK;

"2. CATEGORY II, CONSISTING OF IMPORTANT CULTURAL PROPERTY; AND

"3. CATEGORY III, CONSISTING OF OTHER CULTURAL PROPERTY."

"SEC. 5. [*Cultural Property Considered*] *PRESUMED Important Cultural Property.* - For purposes of PRESERVING THE INTEGRITY OF CULTURAL PROPERTY AND/OR protecting a cultural property against exportation, modification or demolition, the following works shall be [considered] PRESUMED important cultural property, unless declared otherwise by the COMMISSION OR THE pertinent cultural agency IN ACCORDANCE WITH SECTION 8 HEREOF, OR UPON EXPIRATION OF SUCH PRESUMPTION:

[Unless declared by the Commission,

- (a) Works by a Manlilikha ng Bayan;
- (b) Works by a National Artist;

Unless declared by the National Museum,

- (c) Archaeological and traditional ethnographic materials;

Unless declared by the National Historical Institute,

- (d) Works of national heroes;
- (e) Marked structure;
- (f) Structures dating at least fifty (50) years old; and

Unless declared by the National Archives,

- (g) Archival material/document dating at least fifty (50) years old.]

1 “(A) WORKS BY A *MANLILIKHANG BAYAN*;
2 “(B) WORKS BY A NATIONAL ARTIST;
3 “(C) WORKS OF THE MASTERS;
4 “(D) STRUCTURES DATING AT LEAST FIFTY (50) YEARS OLD AND WHICH,
5 PRIMA FACIE QUALIFY AS IMPORTANT CULTURAL PROPERTY (ICP);
6 “(E) ARCHAEOLOGICAL AND TRADITIONAL ETHNOGRAPHIC MATERIALS;
7 “(F) WORKS OF NATIONAL HEROES;
8 “(G) MARKED STRUCTURE;
9 “(H) CULTURAL LANDSCAPES; AND
10 “(I) ARCHIVAL MATERIAL/DOCUMENT DATING AT LEAST FIFTY (50) YEARS
11 OLD.

12
13 “THE PROPERTY OWNER MAY PETITION THE APPROPRIATE CULTURAL
14 AGENCY TO REMOVE THE PRESUMPTION OF IMPORTANT CULTURAL PROPERTY
15 WHICH SHALL NOT BE UNREASONABLY WITHHELD.

16
17 “THE PRESUMPTION CREATED UNDER THIS SECTION SHALL EXPIRE WITHIN
18 THE FOLLOWING PERIODS FROM THE TIME THE PHILIPPINE REGISTRY OF
19 CULTURAL PROPERTIES UNDER SECTION 16 HEREOF SHALL HAVE BEEN
20 ESTABLISHED BY THE COMMISSION: (A) TWO (2) YEARS FOR IMMOVABLE
21 CULTURAL PROPERTY; AND (B) FIVE (5) YEARS FOR MOVABLE CULTURAL
22 PROPERTY.

23
24 “THE REMOVAL OR EXPIRATION OF THE PRESUMPTION UNDER THIS SECTION
25 SHALL NOT PREJUDICE THE COMMISSION OR THE APPROPRIATE CULTURAL
26 AGENCY FROM DECLARING THE SAME PROPERTY INTO ANY OF THE CULTURAL
27 PROPERTIES UNDER CATEGORIES I OR II: PROVIDED, THAT ANY PROPERTY
28 WHOSE PRESUMPTION HAS BEEN REMOVED IN ACCORDANCE WITH THIS
29 SECTION MAY ONLY BE DECLARED ON ACCOUNT OF CIRCUMSTANCES
30 SUBSEQUENT TO SUCH REMOVAL.”

31
32 “SEC. 6. *World Heritage Sites.* – The [appropriate cultural agency] COMMISSION
33 shall UNDERTAKE THE RESPONSIBILITIES PERTAINING TO THE PHILIPPINES AS
34 PROVIDED FOR BY RELEVANT PROVISIONS OF THE CONVENTION CONCERNING
35 THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE. IT
36 SHALL closely collaborate with the APPROPRIATE CULTURAL AGENCY AND THE
37 United Nations Educational Scientific and Cultural Organization (UNESCO) National
38 Commission of the Philippines in ensuring the conservation and management of
39 world heritage sites of cultural and mixed sites category, in the Philippines.”

40
41 “SEC. 7. *Privileges for Cultural Property.* – All cultural properties declared as
42 national cultural treasures and national historical landmarks, sites or monuments
43 shall be entitled to the following privileges:

44
45 “(a) [Priority][g]Government [funding for] protection, AND PRIORITY FUNDING
46 FOR conservation and restoration;

47
48 “(b) Incentive for private support of conservation and restoration through the
49 Commission's [Conservation] CULTURAL PROPERTY IncentiveS' Program [for
50 national cultural treasures];

1
2 “(C) TAX INCENTIVE IN THE FORM OF TAX CREDIT, REFUND, OR A
3 DEDUCTIBLE EXPENSE EQUIVALENT TO ONE HUNDRED PERCENT (100%) OF THE
4 AMOUNT ASSUMED BY THE PRIVATE PROPERTY OWNER FOR THE
5 PRESERVATION AND/OR CONSERVATION OF THE CULTURAL PROPERTY, WHICH
6 MAY BE AVAILED OF IN ACCORDANCE WITH THE PROVISIONS OF THE NATIONAL
7 INTERNAL REVENUE CODE OF 1997, AS AMENDED: *PROVIDED*, THAT THE WORKS
8 SHALL BE PRIORLY APPROVED BY THE COMMISSION;
9

10 “(D) [(c)] An official heritage marker placed by the cultural agency concerned
11 indicating that the immovable cultural property has been identified as national
12 cultural treasures and/or national historical landmarks, sites or monuments; and
13

14 “(E) [(d)] In times of armed conflict, natural disasters and other exceptional
15 events that endanger the cultural heritage of the country, all national cultural
16 treasures or national historical landmarks, sites or monuments shall be given
17 priority protection by the government, WHICH MAY INCLUDE, AMONG OTHERS,
18 GUARDING, HANDLING AND TRANSPORTING UNDER SPECIAL PROTECTION OF
19 SUCH PROPERTY.”
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23 “SEC. 8. *[Procedure for] Declaration, [or] Delisting AND EXEMPTION of National*
24 *Cultural Treasures or Important Cultural Property.* – The [procedure in declaring as
25 well as in delisting a] AUTHORITY TO DECLARE national cultural [property]
26 TREASURES or [an] important cultural property, [shall be as follows] REMOVE THE
27 PRESUMPTION CREATED UNDER SECTION 5 HEREOF, OR DELIST CULTURAL
28 PROPERTY FROM THE PHILIPPINE REGISTRY OF CULTURAL PROPERTY SHALL
29 VEST IN THE COMMISSION OR THE APPROPRIATE CULTURAL AGENCY, AS THE
30 CASE MAY BE. SUCH AUTHORITY MAY BE EXERCISED *MOTU PROPRIO* OR UPON
31 APPLICATION BY ANY INTERESTED PARTY BY THE FOLLOWING:
32

33 “(A) THE COMMISSION, WITH RESPECT TO WORKS BY A MANLILIKHA NG
34 BAYAN AND WORKS BY A NATIONAL ARTIST; AND STRUCTURES DATING AT
35 LEAST FIFTY (50) YEARS OLD;
36

37 “(B) THE NATIONAL MUSEUM, WITH RESPECT TO ARCHAEOLOGICAL AND
38 TRADITIONAL ETHNOGRAPHIC MATERIALS AND WORKS OF THE MASTERS;
39

40 “(C) THE NATIONAL HISTORICAL COMMISSION OF THE PHILIPPINES, WITH
41 RESPECT TO WORKS OF NATIONAL HEROES’ MARKED STRUCTURE; AND
42

43 “(D) THE NATIONAL ARCHIVES, WITH RESPECT TO ARCHIVAL
44 MATERIAL/DOCUMENT DATING AT LEAST FIFTY (50) YEARS OLD.
45

46 “IF COMMENCED BY AN APPLICANT, THE PROCEDURE IN DECLARING OR
47 DELISTING A NATIONAL CULTURAL PROPERTY OR AN IMPORTANT CULTURAL
48 PROPERTY, OR IN REMOVING THE PRESUMPTION CREATED UNDER SECTION 5
49 HEREOF, SHALL BE AS FOLLOWS:
50

1 [(a) A declaration or a delisting of a cultural property as a national cultural
2 treasure or an important cultural property shall commence upon the filing of a
3 petition by the owner, stakeholder or any interested person, with the Commission,
4 which shall refer the matter to the appropriate cultural agency;
5

6 (b) Upon verification of the suitability of the property as a national cultural
7 treasure or an important cultural property, the cultural agency concerned shall send
8 notice of hearing to the owner and stakeholders. Stakeholders including, but not
9 limited to, local government units, local culture and arts council, local tourism
10 councils, nongovernment conservation organizations, and schools, may be allowed
11 to file their support or opposition to the petition;]
12

13 "(A) THE OWNER, STAKEHOLDER, OR ANY INTERESTED PERSON SHALL FILE
14 THE NECESSARY PETITION WITH THE COMMISSION, WHICH SHALL DOCKET SAID
15 PETITION. UNLESS THE SUBJECT MATTER OF THE PETITION FALL UNDER ITS
16 AREAS OF RESPONSIBILITY, THE COMMISSION SHALL REFER THE MATTER TO
17 THE APPROPRIATE CULTURAL AGENCY OR AGENCIES, AS THE CASE MAY BE,
18 WITHIN FIFTEEN (15) DAYS FROM RECEIPT THEREOF. IN CASE THE PETITION
19 INCLUDES A PRAYER FOR INTERIM REMEDIES, THE COMMISSION SHALL HAVE
20 THE AUTHORITY TO GRANT THE SAME *EX PARTE*;
21

22 "(B) WITHIN FIFTEEN (15) DAYS FROM RECEIPT OF THE PETITION, THE
23 COMMISSION OR THE CULTURAL AGENCY CONCERNED SHALL SEND NOTICES OF
24 HEARING TO THE OWNER AND STAKEHOLDERS. STAKEHOLDERS, INCLUDING
25 BUT NOT LIMITED TO, LOCAL GOVERNMENT UNITS, LOCAL CULTURE AND ARTS
26 COUNCILS, LOCAL TOURISM COUNCILS, NONGOVERNMENT CONSERVATION
27 ORGANIZATIONS AND SCHOOLS, MAY BE ALLOWED TO FILE THEIR COMMENT TO
28 THE PETITION WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THE HEARING;
29

30 "(c) The owner, and/or other stakeholders shall file their RESPECTIVE position
31 paperS within [fifteen (15)] THIRTY (30) days from [receipt of the notice of] DATE
32 OF THE hearing[, furnishing] AND FURNISH COPIES THEREOF TO all the parties[,
33 including the appropriate cultural agency, with such position paper]. Extensions
34 may be allowed, but in no case shall it exceed more than thirty (30) days; AND
35

36 [(d) The petitioner/stakeholder shall give their answer within fifteen (15) days
37 upon receipt of any position paper. Thereafter, no further submissions shall be
38 allowed; and]
39

40 "(D) [(e)] The appropriate cultural agency shall have a maximum of ninety (90)
41 days from the deadline of the submission of POSITION PAPERS [all the answers]
42 within which to [submit its resolution and render its decision on] RESOLVE the
43 application."
44

45 "SEC. 9. *Right of First Refusal on the Sale of National Cultural [Treasures]*
46 PROPERTY. - The COMMISSION AND/OR THE appropriate cultural agency shall
47 HAVE [be given] the right of first refusal in the purchase of ANY [cultural properties]
48 declared [as] national cultural [property] TREASURE, IMPORTANT CULTURAL
49 PROPERTY, NATIONAL HISTORICAL LANDMARKS AND NATIONAL SHRINES. Prior
50 to the finality of the sale, the COMMISSION AND/OR appropriate cultural agency

1 may likewise match any offer made for the purchase of [national cultural] SUCH
2 property."

3
4 "SEC. 10. *Licensing of Dealers of Cultural Property AND REPORTORIAL*
5 *REQUIREMENTS.* – All dealers of cultural property shall secure a license to operate
6 as such from the [appropriate cultural agency concerned] COMMISSION. They shall
7 submit TO THE COMMISSION a quarterly [inventory of items carried] REPORT
8 which shall [include a] CONTAIN A LIST OF ITEMS IN THEIR INVENTORY, THE
9 history of each item, AUTHENTICATION DOCUMENTS, IF ANY, DEALINGS IN SUCH
10 ITEMS INCLUDING DATE OF ACQUISITION AND SALE, AND OTHER DETAILS AS
11 MAY BE REQUIRED BY THE COMMISSION. Failure to submit two (2) consecutive
12 [inventories] REPORTS shall be a ground for cancellation of the license. All dealers
13 of cultural property shall be subject to inspection by the COMMISSION THROUGH
14 THE concerned cultural [agencies] AGENCY."

15
16 [The cultural agencies may charge and collect fees for registration as well as for
17 licenses, inspections, certifications, authorizations and permits that they issue and
18 undertake in connection with the implementation of this Act. Funds generated from
19 these collections by cultural agencies shall be retained by the cultural agency
20 concerned for its operations.]

21
22 **SECTION 5.** A new Section 11 under Article III is hereby inserted as follows:

23
24 "SEC. 11. *FEES.* – THE COMMISSION AND THE CULTURAL AGENCIES MAY
25 CHARGE AND COLLECT FEES FOR REGISTRATION AS WELL AS FOR LICENSES,
26 INSPECTIONS, CERTIFICATIONS, AUTHORIZATIONS AND PERMITS THAT THEY
27 ISSUE AND UNDERTAKE IN CONNECTION WITH THE IMPLEMENTATION OF THIS
28 ACT. FUNDS GENERATED FROM THESE COLLECTIONS BY THE COMMISSION AND
29 THE CULTURAL AGENCIES SHALL BE RETAINED BY THE COMMISSION AND THE
30 CULTURAL AGENCY CONCERNED FOR ITS OPERATIONS."

31
32 **SECTION 6.** Article III, Section 11 of Republic Act No. 10066 is renumbered as Section 12
33 and is hereby amended as follows:

34
35 "SEC. [11] 12. *Dealings of Cultural Property.* – No cultural property shall be sold,
36 resold or taken out of the country without first securing FROM THE COMMISSION a
37 clearance [from] WHICH SHALL ONLY BE ISSUED WITH CONCURRENCE OF the
38 APPROPRIATE cultural agency [concerned]. [In case the property shall] CULTURAL
39 PROPERTY FALLING UNDER CATEGORIES I AND II MAY ONLY be taken out of the
40 country[, it shall solely be] for the purpose of scientific scrutiny or exhibit."

41
42 **SECTION 7.** Article IV, Sections 12 and 13 of Republic Act No. 10066 are renumbered as
43 Sections 13 and 14, respectively, and are hereby amended as follows:

44
45 "SEC. [12] 13. *Designation of Heritage Zones.* – The COMMISSION, IN
46 CONSULTATION WITH THE National Historical [Institute] COMMISSION OF THE
47 PHILIPPINES and the National Museum, [in consultation with the Commission and]
48 the Housing and Land Use Regulatory Board [or] AND other concerned agencies,
49 shall designate heritage zones to protect the historical and cultural integrity of a
50 geographical area."

1
2 "SEC. [13] 14. *Maintenance of Heritage Zones.* – A heritage zone shall be
3 maintained by the local government unit concerned, in accordance with the
4 following guidelines:

5
6 xxx

7
8 "(b) Appearance of streets, parks, monuments, buildings, and natural bodies of
9 water, canals, paths and barangays within a locality shall be maintained as close
10 to their appearance at the time the area was of most importance to Philippine
11 history as determined by the National Historical [Institute] COMMISSION OF
12 THE PHILIPPINES; and"

13
14 xxx

15
16 **SECTION 8.** A new Section 15 under Article IV is hereby inserted as follows:

17
18 "SEC. 15. *ALTERATION, CHANGE, TRANSFORMATION OR MODIFICATION OF*
19 *HERITAGE ZONES.* – HERITAGE ZONES AND ANY PROPERTY FOUND THEREIN
20 SHALL NOT BE ALTERED, CHANGED, TRANSFORMED OR MODIFIED WITHOUT THE
21 PRIOR WRITTEN AUTHORIZATION FROM THE COMMISSION, WHICH SHALL ONLY
22 BE ISSUED IN CONSULTATION WITH THE APPROPRIATE CULTURAL AGENCY."

23
24 **SECTION 9.** Article V, Sections 14, 15 and 16 of Republic Act No. 10066 are renumbered as
25 Sections 16, 17 and 18, respectively, and are hereby amended as follows:

26
27 "SEC. [14] 16. *Establishment of a Philippine Registry of Cultural Property.* – All
28 cultural properties of the country deemed important to cultural heritage shall be
29 registered in the Philippine Registry of Cultural Property.

30
31 "The Commission[, through the appropriate cultural agencies and local
32 government units,] shall establish,[and] maintain AND UPDATE this Registry within
33 three (3) years from the effectivity of this Act. The guidelines in the registration of
34 cultural property are as follows:

35
36 "(a) All cultural agencies concerned shall individually maintain an inventory,
37 evaluation and documentation of all cultural properties THEY HAVE declared
38 according to their category and shall submit the same to the Commission. For
39 cultural property declared as immovable cultural property, the appropriate cultural
40 agency shall, after registration, give due notice to the concerned Registry of Deeds
41 HAVING JURISDICTION for annotation on the land titles pertaining to the same;

42
43 "(b) Local government units[, through their cultural offices,] shall likewise
44 maintain an inventory of cultural property under its jurisdiction and shall furnish
45 the Commission a copy of the same;

46
47 xxx

48
49 "(e) Private collectors and owners of cultural property shall register such
50 properties within three (3) years from the effectivity of this Act. 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.

"Information on registered cultural properties EXCEPT BUILT HERITAGE, owned by private individuals shall remain confidential and may be given only upon prior consent of the private owner. The Commission shall operate the Registry in the NCCA portal cultural databank.

"IN CASE OF ANY DISCREPANCY IN THE INVENTORY OF CULTURAL PROPERTY MAINTAINED BY THE CULTURAL AGENCIES, LOCAL GOVERNMENT UNITS AND THE COMMISSION, THE ENTRIES IN THE REGISTRY OF THE COMMISSION SHALL PREVAIL."

"SEC. [15] 17. *Conservation of Cultural Property.* – All intervention works and measures on conservation of national cultural treasures, important cultural property, as well as national historical landmarks, sites or monuments and structures previously marked by the National Museum and/or the National Historical [Institute] COMMISSION OF THE PHILIPPINES before the implementation of this Act, shall be undertaken [through the appropriate cultural agency which shall supervise the same] BY OR UNDER THE SUPERVISION OF THE COMMISSION OR THE APPROPRIATE CULTURAL AGENCY.

"The [appropriate cultural agency] COMMISSION AND ALL CULTURAL AGENCIES SHALL FORMULATE, USE AND ENFORCE UNIFORM STANDARDS OF CONSERVATION THAT [shall approve only those methods and materials that strictly] adhere to the accepted international standards [of conservation]."

"SEC. [16] 18. *Documentation and Preservation of Traditional and Contemporary Arts.* – xxx

xxx

"The local government unit concerned shall submit an annual inventory of these documentations to the Commission, which will be included in the Philippine Registry of Cultural Property, as established in Section [14] 16 of this Act."

SECTION 10. Article V, Section 17 of Republic Act No. 10066 is renumbered as Section 19.

SECTION 11. Article V, Section 18 of Republic Act No. 10066 is renumbered as Section 20 and is hereby amended as follows:

"SEC. [18] 20. *Heritage Agreements.* – The Commission, MOTU PROPRIO OR upon THE advice of the concerned cultural agency, may enter into agreements with private owners of cultural properties with regard to the preservation of said properties.

"Such agreement shall be in the form of a contract and may include [such] THE FOLLOWING terms and conditions [including, but not limited to]:"

xxx

xxx

SECTION 12. A new Section 21 under Article V is hereby inserted as follows:

"SEC. 21. *CONSERVATION AND RESTORATION AGREEMENTS.* - THE COMMISSION MAY ENTER INTO AGREEMENTS TO FACILITATE THE CONSERVATION, RESTORATION AND REHABILITATION OF CULTURAL PROPERTY WHETHER PUBLICLY OR PRIVATELY OWNED INCLUDING ENTERING INTO SUCH ARRANGEMENTS AUTHORIZED UNDER AND PURSUANT TO THE BUILD-OPERATE-AND-TRANSFER (BOT) AND THE PUBLIC-PRIVATE PARTNERSHIP (PPP) LAWS OR OTHER SIMILAR LAWS."

SECTION 13. Article V, Section 19 of Republic Act No. 10066 is renumbered as Section 22 and is hereby amended as follows:

"SEC. [19] 22. *National Inventory of Intangible Cultural Heritage.* - The appropriate cultural agency shall closely collaborate with the COMMISSION AND THE UNESCO National Commission of the Philippines (UNACOM) in safeguarding intangible cultural heritage in the Philippines. [The Philippine Intangible Cultural Heritage Committee established by the UNESCO National Commission of the Philippines shall continue to take the lead role in implementing the provisions of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, with particular attention to Articles 11 to 15 of the said Convention.]

"PURSUANT TO THIS, THE COMMISSION SHALL CREATE AN INTANGIBLE CULTURAL HERITAGE OFFICE WITHIN ITS STRUCTURE WHICH WILL PURSUE THE FOLLOWING OBJECTIVES IN COORDINATION WITH THE UNACOM:

"(A) COORDINATE EFFORTS OF GOVERNMENT AND PRIVATE AGENCIES THAT HAVE FORMS OF INTANGIBLE CULTURAL HERITAGE IN MAKING THE NATIONAL INVENTORY AND WORKING TOWARD THE SAFEGUARDING OF THESE FORMS OF HERITAGE; AND

"(B) UNDERTAKE THE RESPONSIBILITIES PERTAINING TO THE PHILIPPINES AS PROVIDED FOR BY RELEVANT PROVISIONS OF THE UNESCO CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE."

SECTION 14. Article V, Section 20 of Republic Act No. 10066 is renumbered as Section 23 and is hereby amended as follows:

"SEC. [20] 23. *Immovable National Cultural [Treasures] PROPERTY.* - [immovable] DECLARED national cultural treasures, IMPORTANT CULTURAL PROPERTY AND NATIONAL HISTORICAL LANDMARKS WHICH ARE IMMOVABLE, INCLUDING THE SITE ON WHICH THEY ARE FOUND, shall not be relocated, rebuilt, defaced or otherwise changed in a manner, which would destroy the property's integrity and authenticity, except to save such property from destruction due to natural causes.

1 "[The site referred to in this provision may only be moved after securing a]
2 UNLESS MADE IN TIMES OF NATURAL OR PUBLIC EMERGENCY, ANY RELOCATION,
3 REBUILDING, OR CHANGE INTRODUCED ON ANY SUCH IMMOVABLE CULTURAL
4 PROPERTY SHALL ONLY BE MADE WITH THE PRIOR WRITTEN permit from the
5 Commission [or the appropriate cultural agency].
6

7 "NO CONSTRUCTION, DEVELOPMENT OR IMPROVEMENT THAT WILL IMPEDE
8 OR OBSTRUCT THE VIEW OR OTHERWISE CHANGE OR AFFECT THE VISTA OF AN
9 IMMOVABLE NATIONAL CULTURAL TREASURE, WORLD HERITAGE SITE OR
10 NATIONAL HISTORICAL LANDMARK, OR DESTROY THE PROPERTY'S INTEGRITY
11 AND AUTHENTICITY SHALL BE ALLOWED."
12

13 **SECTION 15.** Article V, Sections 21 and 22 of Republic Act No. 10066 are renumbered as
14 Sections 24 and 25, respectively, and are hereby amended as follows:
15

16 "SEC. [21] 24. *Indigenous Properties.* - The COMMISSION AND/OR THE
17 appropriate cultural agency, in consultation with the National Commission on
18 Indigenous Peoples, shall establish a program and promulgate regulations to assist
19 indigenous people in preserving their particular cultural and historical properties."
20

21 "SEC. [22] 25. *Renaming of Historical Streets, Buildings Designated as Cultural*
22 *Treasure or Important Cultural Property.* - The names of historical streets, parks,
23 buildings, shrines, landmarks, monuments and sites designated as national cultural
24 treasures or important cultural property shall not be allowed to be renamed by a
25 local or national legislation, unless approved by the National Historical [Institute]
26 COMMISSION OF THE PHILIPPINES, and only after due hearing on the matter.
27 Furthermore, for changes of names done to historical streets, parks, buildings,
28 shrines, landmarks, monuments, and sites prior to the effectivity of this Act, the
29 National Historical [Institute] COMMISSION OF THE PHILIPPINES may direct the
30 local government units to restore their original names, also after due hearing."
31

32 **SECTION 16.** Article VI, Sections 23 and 24 of Republic Act No. 10066 are renumbered as
33 Sections 26 and 27, respectively, and are hereby amended as follows:
34

35 "SEC. [23] 26. *Export of Cultural Property.* - Whoever desires to export cultural
36 property [registered in the Philippine Registry of Cultural Property shall adhere to
37 the following requirements:] SHALL APPLY FOR AN EXPORT PERMIT FROM THE
38 COMMISSION.
39

40 [(a) Authorization from the Commission through the appropriate cultural
41 agencies;
42

43 (b) Application for export permit shall be submitted thirty (30) days before the
44 intended export from the Philippines; and
45

46 (c) Application for export permit must include the following: (1) the purpose of
47 the temporary export; (2) the export date of the cultural property; (3) the
48 repatriation date of the cultural property; (4) a description of the cultural property;
49 and (5) the inventory of the cultural property in the Philippine Registry of Cultural
50 Property.

1
2 The grant of export permit shall be based on the following conditions: (i) the
3 cultural property is exported on a temporary basis; and (ii) export of cultural
4 property is necessary for scientific scrutiny or exhibit.]
5

6 "THE APPLICATION SHALL BE FILED WITHIN THIRTY (30) DAYS BEFORE THE
7 INTENDED EXPORT FROM THE PHILIPPINES.
8

9 "THE APPLICATION SHALL CONTAIN THE FOLLOWING:
10

11 "(A) A DESCRIPTION OF THE CULTURAL PROPERTY;

12 "(B) THE INVENTORY OF THE CULTURAL PROPERTY IN THE PHILIPPINE
13 REGISTRY OF CULTURAL PROPERTY, IF ANY;

14 "(C) THE PURPOSE OF THE EXPORT;

15 "(D) THE INTENDED EXPORT DATE OF THE CULTURAL PROPERTY;

16 "(E) THE REPATRIATION DATE OF THE CULTURAL PROPERTY, IF APPLICABLE;

17 "(F) AN ENDORSEMENT FROM THE APPROPRIATE CULTURAL AGENCY; AND

18 "(G) SUCH OTHER DETAILS AS MAY BE REQUIRED BY THE COMMISSION.
19

20 "THE COMMISSION MAY CONDUCT SUMMARY HEARINGS TO RESOLVE AN
21 APPLICATION FOR AN EXPORT PERMIT, PROVIDED THAT ANY APPLICATION IS
22 DECIDED WITHIN FIFTEEN (15) CALENDAR DAYS FROM THE RECEIPT THEREOF.
23

24 "ANY EXPORT PERMIT ISSUED BY THE COMMISSION SHALL INDICATE, AMONG
25 OTHERS, THE NAME OF THE PERMITTEE, THE PERIOD WITHIN WHICH THE
26 CULTURAL PROPERTY MAY REMAIN OUTSIDE THE PHILIPPINES, ITS INTENDED
27 DESTINATION, AND IN CASE OF CULTURAL PROPERTY FALLING UNDER
28 CATEGORIES I AND II, A DIRECTIVE FOR THE PERMITTEE TO INFORM, WITHIN
29 FIVE (5) DAYS FROM ARRIVAL AT THE PLACE OF DESTINATION, THE PHILIPPINE
30 EMBASSY OR CONSULATE OF SUCH FACT."
31

32 "SEC. [24] 27. *AGREEMENTS AND Repatriation [Claims and Agreements]*. – Should
33 the cultural property [registered in the Philippine Registry of Cultural Property be
34 illicitly exported from the country] EXPORTED IN CONTRAVENTION OF ANY LAW,
35 TREATY OR EXECUTIVE AGREEMENT, OR THE TERMS OF ANY PERMIT, the
36 Department of Foreign Affairs shall, upon the recommendation of the COMMISSION
37 AND/OR THE appropriate cultural agency, claim the right of repatriation *vis-a-vis* all
38 other contracting States. [Any compensation and costs shall be carried by the
39 Philippine government.]
40

41 "THE COSTS FOR REPATRIATION SHALL BE SHOULDERED BY THE PHILIPPINE
42 GOVERNMENT WITHOUT PREJUDICE TO THE RECOVERY OF SUCH COSTS FROM
43 THE PARTY OR PERSON WHO EXPORTED IN CONTRAVENTION OF ANY LAW,
44 TREATY OR EXECUTIVE AGREEMENT, OR THE TERMS OF ANY PERMIT."
45

46 xxx
47

48 **SECTION 17.** Article VII, Section 25 of Republic Act No. 10066 is renumbered as Section 28
49 and is hereby amended as follows:
50

1 "SEC. [25] 28. *Power to Issue a Cease and Desist Order.* - When the [physical]
2 integrity of [the] A national cultural treasure[s] or important cultural [properties]
3 PROPERTY, PRESUMED CULTURAL PROPERTY, NATIONAL HISTORICAL
4 LANDMARK, NATIONAL HISTORICAL SITE, WORLD HERITAGE SITE AND
5 NATIONAL HISTORICAL MONUMENT, INCLUDING HERITAGE ZONES, are found to
6 be in danger of destruction or significant alteration from its original state, [the
7 appropriate cultural agency] OR IS OTHERWISE ADVERSELY AFFECTED BY ANY
8 CONSTRUCTION, DEVELOPMENT, IMPROVEMENT, OR ACTION THAT MAY IMPEDE
9 OR OBSTRUCT THE VIEW OR OTHERWISE CHANGE OR AFFECT ITS VISTA, THE
10 COMMISSION shall immediately issue a Cease and Desist Order *ex parte* suspending
11 ANY AND all activities that will affect the cultural property. [The local government
12 unit which has the jurisdiction over the site where the immovable cultural property
13 is located shall report the same to the appropriate cultural agency immediately
14 upon discovery and shall promptly adopt measures to secure the integrity of such
15 immovable cultural property. Thereafter, the appropriate cultural agency shall give
16 notice to the owner or occupant of the cultural property and conduct a hearing on
17 the propriety of the issuance of the Cease and Desist Order. The suspension of the
18 activities shall be lifted only upon the written authority of the appropriate cultural
19 agency after due notice and hearing involving the interested parties and
20 stakeholders.]
21

22 "THE CEASE AND DESIST ORDER SHALL BE SERVED UPON THE PARTY WHOSE
23 ACTIVITIES ARE SOUGHT TO BE ENJOINED AND/OR POSTED IN THE PLACE
24 WHERE THE OFFENDING ACTIVITY IS BEING UNDERTAKEN.
25

26 "THE ORDER UNDER THIS SECTION SHALL REMAIN EFFECTIVE UNLESS
27 SOONER INVALIDATED BY THE COURT OF APPEALS.
28

29 "THE CITY OR MUNICIPALITY WHICH HAS JURISDICTION OVER THE PLACE
30 WHERE THE PROPERTY IS LOCATED OR FOUND SHALL REPORT THE SAME TO
31 THE COMMISSION IMMEDIATELY UPON DISCOVERY AND SHALL PROMPTLY
32 ADOPT MEASURES TO SECURE THE INTEGRITY OF SUCH CULTURAL PROPERTY
33 AND PREVENT ANY FURTHER DAMAGE THEREON.
34

35 "WITHIN SEVENTY TWO (72) HOURS FROM THE ISSUANCE OF THE CEASE AND
36 DESIST ORDER, THE COMMISSION SHALL GIVE NOTICE TO ALL INTERESTED
37 PARTIES, WHICH SHALL INCLUDE THE OWNER, OCCUPANT, OR PERSON
38 UNDERTAKING THE OFFENDING ACTIVITY, THE LOCAL GOVERNMENT UNIT, THE
39 CONCERNED CULTURAL AGENCY, AND OTHER STAKEHOLDERS, AND
40 THEREAFTER CONDUCT HEARING ON THE PROPRIETY OF THE ISSUANCE OF THE
41 CEASE AND DESIST ORDER. AFTER THE APPROPRIATE PROCEEDINGS, THE
42 COMMISSION MAY LIFT THE CEASE AND DESIST ORDER OR MAKE THE SAME
43 PERMANENT, AND ORDER SUCH WORKS TO BE UNDERTAKEN FOR THE ACCOUNT
44 OF THE OFFENDING PARTY TO RESTORE THE PROPERTY TO ITS ORIGINAL STATE.
45 THE COMMISSION SHALL DECIDE ON THE MATTER WITHIN SIXTY (60) DAYS
46 FROM THE ISSUANCE OF THE CDO."
47

48 **SECTION 18.** Article VII, Section 26 of Republic Act No. 10066 is renumbered as Section 30.
49
50

1 **SECTION 19.** New Sections 29 and 31 under Article VII are hereby inserted as follows:

2
3 "SEC. 29. *PROTECTION OF CULTURAL PROPERTY; POWER TO ISSUE PROTECTION*
4 *ORDER.* – WHERE ANY CULTURAL PROPERTY OF THE COUNTRY IS IN DANGER OF
5 LOSS, DESTRUCTION OR DAMAGE, OR HAS OTHERWISE BEEN DESTROYED OR
6 DAMAGED, DUE TO ARMED CONFLICT, NATURAL DISASTERS AND OTHER
7 EXCEPTIONAL EVENTS, WHETHER IMPENDING OR OCCURRING, THE COMMISSION
8 SHALL HAVE THE POWER TO TAKE SUCH NECESSARY MEASURES TO PROTECT
9 CULTURAL PROPERTY OR ITS REMNANTS, FRAGMENTS OR RELICS. PROTECTION
10 MEASURES MAY INCLUDE GUARDING, PHYSICAL REINFORCEMENT OR SUPPORT,
11 RELOCATION, TRANSPORT, STORAGE OR REFUGE, OR RETRIEVAL OF CULTURAL
12 PROPERTY OR ITS REMNANTS, FRAGMENTS OR RELICS. THE COMMISSION SHALL
13 LIKEWISE BE EMPOWERED TO ISSUE SUCH PROTECTION ORDER, AND DEPUTIZE
14 OR OTHERWISE CALL UPON ANY PUBLIC OFFICER OR PRIVATE PERSON, TO
15 IMPLEMENT THE CONTENTS THEREOF.

16
17 "IN THE IMPLEMENTATION OF THE PROTECTION ORDER, SUCH OFFICER OR
18 PERSON SHALL BE ENTITLED TO SUCH PRIVILEGES AND IMMUNITIES ACCORDED
19 UNDER EXISTING LAWS, AGREEMENTS, RULES AND REGULATIONS. NO OFFICER
20 OR PERSON PERFORMING ITS DUTIES UNDER THIS SECTION MAY BE DENIED
21 ACCESS TO THE PLACE OR PREMISES WHERE CULTURAL PROPERTY OR ITS
22 REMNANTS, FRAGMENTS OR RELICS MAY BE FOUND."

23
24 "SEC. 31. *POWER TO ISSUE RESTORATION OR REHABILITATION ORDER.* – WHEN
25 A NATIONAL TREASURE OR IMPORTANT CULTURAL PROPERTY, NATIONAL
26 HISTORICAL LANDMARK, NATIONAL HISTORICAL SITE, WORLD HERITAGE SITE
27 AND NATIONAL HISTORICAL MONUMENT IS DAMAGED OR DESTROYED, ITS
28 OWNER, CUSTODIAN, POSSESSOR, OR ANY INTERESTED PARTY SHALL PRESERVE
29 OR CAUSE ITS PRESERVATION, INCLUDING THE SITE ON WHICH ITS REMNANTS
30 ARE FOUND, AND UNDERTAKE SUCH NECESSARY MEASURES TO PREVENT ITS
31 FURTHER DESTRUCTION OR DISSIPATION, AND IMMEDIATELY INFORM THE
32 COMMISSION OF SUCH FACT.

33
34 "THE COMMISSION MAY, UPON PETITION OF AN INTERESTED PARTY OR *MOTU*
35 *PROPRIO*, ISSUE AFTER DUE NOTICE AND HEARING, AN ORDER TO RESTORE OR
36 REHABILITATE SUCH PROPERTY TO ITS ORIGINAL OR LAST KNOWN STATE:
37 *PROVIDED*, THAT WHERE THE DAMAGE OR DESTRUCTION IS FOUND TO BE DUE
38 TO THE INTENTIONAL ACT OR GROSS NEGLECT OF ANY PARTY, THE COST OF
39 PRESERVATION, RESTORATION OR REHABILITATION SHALL BE FOR THE
40 ACCOUNT OF SUCH PARTY AT FAULT WITHOUT PREJUDICE TO ANY OTHER
41 LIABILITY ON THE PART OF THE PARTY AT FAULT."

42
43 **SECTION 20.** Article VII, Sections 27 and 28 are renumbered as Sections 32 and 33,
44 respectively, and are hereby amended as follows:

45
46 "SEC. [27] 32. *Visitorial Powers.* – The COMMISSION AND/OR THE cultural
47 agencies concerned[, through the Commission,] are hereby given the power to
48 inspect national cultural treasures, important cultural properties, and national
49 historical landmarks, sites or monuments AND PRESUMED CULTURAL PROPERTY
50 at any time to ensure the protection and integrity of such. They may also inspect

1 public or private collections or objects that may be categorized as cultural property:
2 *Provided, That in the case of private collections or objects, the prior written consent*
3 *of the owner shall be obtained."*

4
5 "SEC. [28] 33. *Power to Deputize Other Government Agencies.* - xxx

6
7 "Failure to follow deputization order of the concerned cultural agency as well as
8 the Commission shall be penalized in accordance with Section [49] 56 herein."

9
10 **SECTION 21.** Article VII, Section 29 of Republic Act No. 10066 is renumbered as Section 34.

11
12 **SECTION 22.** Article VII, Section 30 is renumbered as Section 35 and is hereby amended as
13 follows:

14
15 "SEC. [30] 35. *Anthropological Research and Archaeological Exploration/*
16 *Excavation.* - (a) The National Museum, with respect to cultural/archaeological/
17 anthropological matters, and the National Historical [Institute] COMMISSION OF
18 THE PHILIPPINES, with respect to historical anthropological matters, shall regulate
19 and control all anthropological research conducted by foreigners; and all
20 archaeological excavation or exploration. Pursuant to the foregoing, the National
21 Museum or the National Historical [Institute] COMMISSION OF THE PHILIPPINES
22 shall deputize other agencies to protect archaeological and anthropological sites. It
23 shall be guided by the following rules:

24
25 xxx

26
27 "2. No terrestrial and/or underwater archaeological explorations and
28 excavations for the purpose of obtaining materials and data of cultural value shall be
29 undertaken without THE written [authority] PERMIT [and direct site supervision
30 by] FROM THE COMMISSION, WHICH PERMIT SHALL ONLY BE ISSUED WITH THE
31 CONCURRENCE OF THE NATIONAL MUSEUM. A[a]rchaeologists and/or
32 representatives of the National Museum SHALL HAVE DIRECT SITE SUPERVISION
33 OVER ANY ARCHAEOLOGICAL EXPLORATION AND/OR EXCAVATION;

34
35 "3. All anthropological researches, for the purpose of obtaining materials and
36 data of cultural value and where the principal proponent is a foreign national, shall
37 be undertaken only with the authority and under the supervision of the National
38 Museum or the National Historical [Institute] COMMISSION OF THE PHILIPPINES.
39 Anthropological research by Philippine nationals, especially members of the
40 indigenous communities, shall be encouraged;

41
42 "4. Archaeological or anthropological materials presumed as important cultural
43 property shall be allowed to leave the country only upon [proper evaluation and
44 written permission] WRITTEN EXPORT PERMIT ISSUED BY THE COMMISSION,
45 WHICH PERMIT SHALL ONLY BE ISSUED WITH THE CONCURRENCE of the National
46 Museum or the National Historical [Institute] COMMISSION OF THE PHILIPPINES;

47
48 xxx

49
50 "6. All mining activities inside caves, rock shelters and any such other areas

1 shall require a written permit and clearance from the [National Museum]
2 COMMISSION. An appropriate prior inspection by representatives of the National
3 Museum, funded by the company applying for a mining right, shall be required to
4 ensure that no archaeological materials [are present and destroyed] WILL BE
5 AFFECTED BY ANY PROPOSED MINING OR MINING-RELATED ACTIVITY;
6

7 "7. Excavations in caves, rock shelters and other areas by laymen are prohibited
8 by this Act. All earth-moving activities in these areas must have the proper permit
9 and clearance from the [National Museum] COMMISSION, WITH THE
10 CONCURRENCE OF THE NATIONAL MUSEUM, and monitored by their
11 representatives;
12

13 "8. All treasure hunting permits and licenses shall be issued by the
14 COMMISSION, WITH THE CONCURRENCE OF THE National Museum[.]. THE
15 COMMISSION, TOGETHER WITH THE NATIONAL MUSEUM, shall formulate the rules
16 and regulations to adequately control, regulate and monitor all applicants for such
17 undertakings; and
18

19 xxx
20

21 "(b) When the presence of any cultural [or historical] property is discovered, the
22 [National Museum or the National Historical Institute] COMMISSION shall
23 immediately suspend all activities that will affect the site and shall immediately
24 notify the local government unit, CITY OR MUNICIPALITY having jurisdiction of the
25 place where the discovery was made. The local government shall promptly adopt
26 measures to protect and safeguard the integrity of the cultural property so
27 discovered and, within five (5) days from the discovery, shall report the same to the
28 appropriate agency. The suspension of these activities shall be lifted only upon the
29 written authority of the COMMISSION, WITH THE CONCURRENCE OF THE National
30 Museum or the National Historical [Institute] COMMISSION OF THE PHILIPPINES,
31 and only after the systematic recovery of the archaeological materials."
32

33 xxx
34

35 xxx
36

37 **SECTION 23.** New Sections 36, 37, 38 and 39 under Article VII are hereby inserted as
38 follows:
39

40 "SEC. 36. *HERITAGE PERMIT.* - ANY PERSON, FIRM, OR CORPORATION,
41 INCLUDING ANY DEPARTMENT, OFFICE, BUREAU, AGENCY OR INSTRUMENTALITY
42 OF THE GOVERNMENT INTENDING TO CONSTRUCT, ALTER, REPAIR, REMOVE,
43 CONVERT OR DEMOLISH ANY BUILDING OR STRUCTURE, OR CAUSE THE SAME TO
44 BE DONE, SHALL OBTAIN A HERITAGE PERMIT FROM THE COMMISSION,
45 THROUGH ITS DEPUTIZED AGENTS: *PROVIDED*, THAT HERITAGE PERMITS FOR
46 CONSTRUCTIONS, ALTERATIONS, REPAIR, REMOVAL, CONVERSION OR
47 DEMOLITIONS AFFECTING CULTURAL PROPERTY REGISTERED IN THE
48 PHILIPPINE REGISTRY OF CULTURAL PROPERTY (PRECUP) SHALL BE OBTAINED
49 DIRECTLY FROM THE COMMISSION.
50

1 "NO BUILDING PERMIT SHALL BE ISSUED BY THE BUILDING OFFICIAL OF ANY
2 LOCAL GOVERNMENT UNLESS A HERITAGE PERMIT IS OBTAINED BY THE
3 APPLICANT THEREOF.

4
5 "EXCEPT FOR HERITAGE PERMITS OBTAINED DIRECTLY FROM THE
6 COMMISSION, FEES FOR THE HERITAGE PERMIT ISSUED BY THE DEPUTIZED
7 AGENTS OF THE COMMISSION SHALL BE INTEGRATED IN THE FEES FOR THE
8 BUILDING PERMIT.

9
10 "TRADITIONAL INDIGENOUS FAMILY DWELLINGS UNDER SECTION 1.01.04 (D)
11 OF R.A. 6541, OTHERWISE KNOWN AS THE BUILDING CODE OF THE PHILIPPINES,
12 SHALL BE EXEMPTED FROM PAYMENT OF THE HERITAGE PERMIT."

13
14 "SEC. 37. *OTHER FEES AND CHARGES.* - THE COMMISSION AND THE
15 CONCERNED CULTURAL AGENCY MAY CHARGE AND COLLECT FEES FOR
16 APPLICATIONS, REGISTRATION, AS WELL AS FOR LICENSES, INSPECTION,
17 CERTIFICATIONS, AUTHORIZATIONS, CLEARANCES AND PERMITS THAT THEY
18 ISSUE AND UNDERTAKE IN CONNECTION WITH THE IMPLEMENTATION OF THIS
19 ACT."

20
21 "SEC. 38. *RETENTION OF FUNDS.* - FUNDS GENERATED FROM THE HERITAGE
22 PERMIT, AND THE OTHER FEES AND CHARGES SHALL BE RETAINED BY THE
23 COMMISSION AND/OR THE CONCERNED CULTURAL AGENCY, AS THE CASE MAY
24 BE, TO AUGMENT THEIR BUDGETS FOR MAINTENANCE AND OTHER OPERATING
25 EXPENSES AND/OR CAPITAL OUTLAY: *PROVIDED*, THAT TWENTY FIVE PERCENT
26 (25%) OF THE FEES FOR THE HERITAGE PERMIT COLLECTED UNDER SECTION 36
27 HEREOF SHALL BE RETAINED BY THE LOCAL GOVERNMENT UNIT CONCERNED:
28 *PROVIDED, FURTHER*, THAT TWENTY FIVE PERCENT (25%) OF THE OTHER FEES
29 AND CHARGES COLLECTED UNDER SECTION 37 HEREOF SHALL BE ADDED TO THE
30 NATIONAL ENDOWMENT FOR CULTURE AND THE ARTS ESTABLISHED PURSUANT
31 TO SECTION 65 OF THIS ACT."

32
33 "SEC. 39. *POWER TO PROMULGATE RULES ON PLEADING AND PRACTICE.* - THE
34 COMMISSION AND THE CULTURAL AGENCIES SHALL FORMULATE UNIFORM
35 RULES ON PLEADING AND PRACTICE TO GOVERN THEIR RESPECTIVE
36 PROCEEDINGS."

37
38 **SECTION 24.** The heading of Article VIII is hereby amended and Sections 31 and 32 of
39 Republic Act No. 10066 are renumbered as Sections 40 and 41, respectively, and are hereby
40 amended as follows:

41
42 **ARTICLE VIII**
43 **THE COMMISSION AND THE [ROLE OF] CULTURAL AGENCIES**
44

45 "SEC. [31] 40. *Responsibilities of THE COMMISSION AND THE Cultural Agencies*
46 *[for Designation of] WITH RESPECT TO Cultural Property.* - The COMMISSION AND
47 cultural agencies, in conformity with their respective charters and mandates, shall
48 define and delineate their respective areas of responsibility with respect to cultural
49 property and assessment of national cultural treasures and national historical

1 landmarks, sites or monuments. These areas shall be subject to periodic re-
2 assessment whenever necessary.

3
4 "For purposes of this Act, the [following shall be the responsibilities of cultural
5 agencies in the categorization of cultural property] COMMISSION AND CULTURAL
6 AGENCIES SHALL ASSUME THE POWERS GRANTED AND DUTIES IMPOSED
7 HEREIN, WITH RESPECT TO THE FOLLOWING:

8
9 "(a) The Cultural Center of the Philippines, [shall be responsible for significant
10 cultural property] IN MATTERS pertaining to the performing arts;

11
12 "(b) The National Archives of the Philippines, [shall be responsible for
13 significant] IN MATTERS PERTAINING TO archival materials;

14
15 "(c) The National Library OF THE PHILIPPINES, [shall be responsible for] IN
16 MATTERS PERTAINING TO rare and significant contemporary [Philippine] books,
17 manuscripts such as, but not limited to, presidential papers, periodicals,
18 newspapers, singly or in collection, and libraries and electronic records;

19
20 "(d) The National Historical [Institute] COMMISSION OF THE PHILIPPINES,
21 [shall be responsible for significant] IN MATTERS PERTAINING TO movable and
22 immovable cultural property that pertains to Philippine history, heroes and the
23 conservation of historical artifacts;

24
25 "(e) The National Museum [shall be responsible for significant movable and
26 immovable cultural and natural property] IN MATTERS pertaining to collections of
27 fine arts, archaeology, anthropology, botany, geology, zoology and astronomy,
28 including its conservation aspect; and

29
30 "(f) The Komisyon sa Wikang Filipino [shall be responsible for] IN MATTERS
31 AFFECTING the dissemination, development, and the promotion of the Filipino
32 national language and the conservation of ethnic languages[.]; AND

33
34 "(G) THE COMMISSION, IN MATTERS RELATING TO: WORKS OF A MANLILIKHA
35 NG BAYAN AND A NATIONAL ARTIST; WORLD HERITAGE SITES; CULTURAL
36 LANDSCAPES; AND SUCH OTHER MATTERS NOT WITHIN THE AREA OF
37 RESPONSIBILITY OF THE CULTURAL AGENCIES ABOVE.

38
39 "WHERE THERE EXISTS CONFLICT IN THE DECISIONS OF THE COMMISSION
40 AND/OR THE CULTURAL AGENCIES ON MATTERS FALLING UNDER THEIR
41 CONCURRENT JURISDICTION, THE SAME SHALL BE RESOLVED BY THE NCCA
42 BOARD OF COMMISSIONERS, WHICH DECISION SHALL BE BINDING UPON ALL."

43
44 "SEC. [32] 41. *Institutional Linkages of the National Cultural Agencies.* - The
45 cultural agencies and other national government agencies, as listed below, shall
46 consult, coordinate and work closely with the Commission in the implementation of
47 their respective programs/projects in the context of this Act. Furthermore, the
48 Commission may link up with other agencies and institutions, as it may deem
49 appropriate, as a way of dealing with conservation in a holistic manner:

"(B) THE COMMISSION ON HIGHER EDUCATION, WHICH SHALL BE RESPONSIBLE IN INSTITUTING THE GOVERNANCE OF HIGHER EDUCATION;

"(C) [(b)] The Intramuros Administration, which shall be responsible for the restoration and administration of the development in Intramuros;

"(D) [(c)] The National Parks Development Committee, as an attached agency of the Department of Tourism, which shall be responsible in supervising the development (beautification, preservation and maintenance) of the [Quezon Memorial, Fort Santiago,]Luneta, Paco Park, Pook ni Maria Makiling and other national parks and satellite projects;

"(E) [(d)] The Department of Education, which shall be responsible in instituting the governance of basic education [a]Act, and the conservation and restoration of its built heritage such as the significant Gabaldon school buildings as determined by the National Historical [Institute]COMMISSION OF THE PHILIPPINES;

"(F) [(e)] The Department of Public Works and Highways, which shall be responsible in undertaking major infrastructure projects specifically in the planning, design, construction, and maintenance of national roads and bridges as they impact on heritage structures or aspects of heritage conservation;

"(G) [(f)] The National Commission on Indigenous Peoples, in behalf of the country's indigenous cultural communities, which shall coordinate with the national agencies on matters pertaining to cultural properties under its jurisdiction;

"(H) [(g)] The Department of Environment and Natural Resources, which shall be responsible for the establishment and management of the National Integrated Protected Areas System and the conservation of wildlife resources, including cave and cave resources and which shall coordinate with the National Commission on Indigenous Peoples, the conservation of natural resources that are cultural sanctuaries of indigenous peoples;

"(I) [(h)] The Department of the Interior and Local Government, which shall coordinate with the national cultural agencies on matters pertaining to cultural properties under its jurisdiction, and ensure that the provisions of this Act is properly executed by the local government unit;

"(J) [(i)] The [Office on Muslim Affairs] COMMISSION ON MUSLIM FILIPINOS, which shall coordinate with the national cultural agencies on matters pertaining to cultural properties under its jurisdiction;

"(K) [(j)] The UNESCO National Commission of the Philippines, which shall be responsible for providing the liaison between the cultural agencies of the Philippines and the UNESCO as well as assist the national cultural agencies in implementing the agreements and conventions adopted by the UNESCO of which the Philippines has ratified or is in the process of ratification;

1 “(L) [(k)] The Housing and Land Use Regulatory Board, which shall coordinate
2 with the local government units and the Commission on matters pertaining to the
3 establishment and maintenance of heritage zones;
4

5 “(M) [(l)] The Autonomous Region in Muslim Mindanao and the Cordillera
6 Administrative Region, which shall coordinate with the national cultural agencies on
7 matters pertaining to cultural properties under their respective jurisdictions; and
8

9 “(N) [(m)] The PHILIPPINE COMMISSION ON TRANSNATIONAL CRIMES AND
10 THE Office of the Special Envoy on Transnational Crimes, which shall have the
11 oversight and operational capacity to go after illicitly trafficked and stolen cultural
12 treasures.”
13

14 **SECTION 25.** New Sections 42, 43, 44 and 45 under Article VIII are hereby inserted as
15 follows:
16

17 “SEC. 42. *CREATION OF THE NCCA CONSERVATION DIVISION.* - THE
18 CONSERVATION DIVISION IS HEREBY CREATED TO PERFORM THE FOLLOWING
19 FUNCTIONS:
20

21 “1. ACT AS THE NATIONAL CLEARING HOUSE FOR CONSERVATION PROGRAMS,
22 PROJECTS AND ACTIVITIES, AND FOR THIS PURPOSE:
23

24 “1.1 SET AND APPROVE STANDARDS FOR HERITAGE CONSERVATION;
25

26 “1.2 CREATE, APPROVE, CONTROL AND SUPERVISE CONSERVATION
27 PROJECTS OR ACTIVITIES, WHETHER UNDERTAKEN BY A PUBLIC OR PRIVATE
28 ENTITY;
29

30 “1.3 DIRECT, ASSIGN OR OTHERWISE DESIGNATE CULTURAL AGENCIES
31 TO, OR BY ITSELF OR IN COORDINATION WITH A CULTURAL AGENCY,
32 UNDERTAKE A CONSERVATION PROJECT OR ACTIVITY;
33

34 “2. PROVIDE TECHNICAL, ADVISORY AND OTHER SERVICES RELATED TO THE
35 COMPREHENSIVE CULTURAL HERITAGE MAPPING OF THE PHILIPPINES;
36

37 “3. ADMINISTER, MAINTAIN AND KEEP THE PHILIPPINE REGISTRY OF
38 CULTURAL PROPERTY;
39

40 “4. EDUCATE THE PUBLIC AND BUILD AWARENESS ON CULTURAL HERITAGE;
41

42 “5. ESTABLISH WORKING RELATIONS AND NETWORKS WITH RESEARCH AND
43 DEVELOPMENT INSTITUTIONS AS WELL AS LOCAL AND INTERNATIONAL
44 HERITAGE PROFESSIONAL GROUPS; AND
45

46 “6. PERFORM SUCH OTHER DUTIES AND FUNCTIONS AS MAY BE DETERMINED
47 BY THE BOARD OF COMMISSIONERS.”
48

49 “SEC. 43. *STRUCTURE, STAFFING AND QUALIFICATIONS OF OFFICERS.* - THE
50 LEGAL AFFAIRS OFFICE AND CONSERVATION DIVISION SHALL BE ORGANIC
COMPONENTS OF THE COMMISSION, UNDER THE CONTROL OF THE BOARD. FOR
ADMINISTRATIVE AND OPERATIONAL EFFICIENCY, THEY SHALL BE UNDER THE

1 SUPERVISION OF THE EXECUTIVE DIRECTOR.

2
3 "THE LEGAL AFFAIRS OFFICE SHALL BE HEADED BY A DEPUTY EXECUTIVE
4 DIRECTOR WITH THE FOLLOWING QUALIFICATIONS:

5
6 "1. AT LEAST THIRTY FIVE YEARS OF AGE;

7 "2. FOR AT LEAST TEN (10) YEARS, MUST HAVE BEEN ENGAGED IN THE
8 PRACTICE OF LAW IN THE PHILIPPINES OR HAS HELD PUBLIC OFFICE IN THE
9 PHILIPPINES REQUIRING ADMISSION TO THE PRACTICE OF LAW; AND

10 "3. OF GOOD MORAL CHARACTER.

11
12 "A *BANTAY PAMANA* UNIT SHALL BE CREATED UNDER THE LEGAL AFFAIRS
13 OFFICE TO SERVE AND EXECUTE THE ORDERS, RULINGS OR DECISIONS OF THE
14 OFFICE, THE COMMISSION AND THE CULTURAL AGENCIES, AND ENFORCE THE
15 PROVISIONS OF THIS ACT AND CULTURAL HERITAGE LAWS. THE UNIT SHALL
16 COMPRISE OF EXISTING OFFICERS AND EMPLOYEES OF THE COMMISSION AND
17 THE CULTURAL AGENCIES, DEPUTIZED LAW ENFORCEMENT OFFICERS AND
18 VOLUNTEERS."

19
20 "SEC. 44. *CREATION OF THE NCCA LEGAL AFFAIRS OFFICE.* - THE LEGAL
21 AFFAIRS OFFICE IS HEREBY CREATED TO ASSIST THE COMMISSION IN THE
22 PERFORMANCE OF ITS MANDATE. THE OFFICE SHALL PERFORM THE
23 FOLLOWING FUNCTIONS:

24
25 "1. PROVIDE LEGAL OPINION AND ADVICE TO THE BOARD OF
26 COMMISSIONERS AND THE SECRETARIAT;

27
28 "2. INVESTIGATE AND PROSECUTE VIOLATIONS OF THIS ACT, AND OF OTHER
29 LAWS ON CULTURAL HERITAGE;

30
31 "3. ASSIST IN EFFORTS FOR THE REPATRIATION AND RECOVERY OF
32 CULTURAL PROPERTY;

33
34 "4. HEAR AND DECIDE APPLICATIONS FOR LICENSES, LISTING, DELISTING
35 AND EXEMPTIONS, LIFTING OF ORDERS AND OTHER CASES PROVIDED FOR
36 UNDER THIS ACT AND IN OTHER LAWS ON CULTURAL HERITAGE;

37
38 "5. ADMINISTER, MAINTAIN AND KEEP THE REGISTRY OF LICENCES AND
39 PERMITS ISSUED PURSUANT TO THIS ACT AND OTHER LAWS ON CULTURAL
40 HERITAGE;

41
42 "6. MAINTAIN REGISTERS OF ASSIGNMENTS, TRANSFERS, CONVEYANCES AND
43 OTHER TRANSACTIONS INVOLVING CULTURAL PROPERTY; AND

44
45 "7. PERFORM SUCH OTHER DUTIES AND FUNCTIONS AS MAY BE DETERMINED
46 BY THE BOARD OF COMMISSIONERS.

47
48 "UNLESS EXPRESSLY WITHDRAWN BY THE OFFICE OF THE SOLICITOR
49 GENERAL (OSG), AN OFFICER OF THE LEGAL AFFAIRS DIVISION SHALL BE
50 DEEMED DEPUTIZED TO PERFORM PROSECUTORIAL FUNCTIONS."

1
2 "SEC. 45. *OTHER OFFICES.* – THE COMMISSION MAY CREATE OTHER OFFICES AS
3 THE EXIGENCIES OF SERVICE DEMAND. THE ORGANIZATIONAL STRUCTURE AND
4 STAFFING PATTERN OF THE LEGAL AFFAIRS OFFICE, THE CONSERVATION
5 DIVISION, THE *BANTAY PAMANA* UNIT, AND OTHER OFFICES CREATED BY THE
6 COMMISSION SHALL BE ESTABLISHED IN COORDINATION WITH THE
7 DEPARTMENT OF BUDGET AND MANAGEMENT (DBM) AND IN ACCORDANCE
8 WITH THE CIVIL SERVICE COMMISSION (CSC) LAWS, RULES AND REGULATIONS."
9

10 **SECTION 26.** Article VIII, Sections 33 and 34 of Republic Act No. 10066 are renumbered as
11 Sections 46 and 47, respectively.
12

13 **SECTION 27.** Article IX, Section 35 of Republic Act No. 10066 is renumbered as Section 48
14 and is hereby amended as follows:
15

16 "SEC. [35] 48. *Tax Exemption on Donations.* – All donations in any form to the
17 Commission and its affiliated cultural agencies shall be exempt from the donor's tax
18 and the same shall be considered as allowable deduction from the gross income in
19 the computation of the income tax of the donor, in accordance with the provisions of
20 the National Internal Revenue Code of 1997, as amended.
21

22 "DONATIONS TO PRIVATE PROPERTY OWNERS FOR THE PRESERVATION
23 AND/OR CONSERVATION OF REGISTERED CULTURAL PROPERTY SHALL LIKEWISE
24 BE ACCORDED THE PRIVILEGES PROVIDED IN THIS SECTION: PROVIDED THAT
25 THE DONATION HAS THE PRIOR APPROVAL OF THE COMMISSION.
26

27 **SECTION 28.** Article IX, Sections 36 and 37 of Republic Act No. 10066 are renumbered as
28 Sections 49 and 50.
29

30 **SECTION 29.** Article X, Section 38 of Republic Act No. 10066 is renumbered as Section 51.
31

32 **SECTION 30.** Article X, Section 39 and 40 of Republic Act No. 10066 are renumbered as
33 Sections 52 and 53 and are hereby amended as follows:
34

35 "SEC. [39] 52. *Cultural Heritage Education Program.* – Within one (1) year from
36 the effectivity of this Act, the Department of Education, the Technical Education and
37 Skills Development Authority and the Commission on Higher Education, in
38 consultation with the Commission, shall set forth in its teaching programs
39 nationwide the following cultural heritage education programs with emphasis at the
40 provincial, city and municipal levels:
41

42 xxx
43

44 "(b) Instructional materials in print, film and broadcast media on the cultural
45 and historical significance of cultural properties; [and]
46

47 "(c) INDIGENOUS KNOWLEDGE SYSTEMS, SKILLS AND PRACTICES (IKSSP)
48 THROUGH THE APPROPRIATE "SCHOOLS OF LIVING TRADITIONS (SLTS)"
49 MODELS; AND
50

1 “(D) [(c)] Visitation, public accessibility and information dissemination on
2 designated local cultural properties.”
3

4 “SEC. [40] 53. *Public Accessibility.* – Access to [national historical landmarks,
5 monuments and sites, whether designated as national cultural treasures or
6 important cultural property] IMMOVABLE CULTURAL PROPERTY THAT BELONG
7 TO CATEGORIES I AND II by the general public for visitation and information, and
8 by government representatives for inspection, shall not be hindered except on
9 reasonable cause. Fees, as prescribed by the cultural agency concerned, may in
10 appropriate cases be charged to defray the cost of conservation, inclusive of general
11 maintenance and upkeep. In the case of privately-owned monuments and sites, the
12 National Historical [Institute] COMMISSION OF THE PHILIPPINES or the National
13 Museum shall arrange with the owners the schedules of visits and regular
14 inspection.”
15

16 **SECTION 31.** Article XI, Section 41 of Republic Act No. 10066 is renumbered as Section 54.
17

18 **SECTION 32.** Article XII, Section 42, of Republic Act No. 10066 is renumbered as Section 55.
19

20 **SECTION 33.** A new Section 56 under Article XII is hereby inserted as follows:
21

22 SEC. 56. *THE SENTRO RIZAL SECRETARIAT.* – THE SENTRO RIZAL SHALL
23 BE UNDER THE OFFICE OF THE NCCA CHAIRPERSON WHO SHALL SET ITS
24 STAFFING AND, WITH DUE CONSULTATION WITH THE NCCA BOARD, SET
25 ITS BUDGET IN THE ANNUAL GENERAL APPROPRIATIONS ACT.
26

27 **SECTION 34.** Article XII, Sections 43, 44, 45, 46 and 47 of Republic Act No. 10066 are
28 renumbered as Sections 57, 58, 59, 60 and 61, respectively.
29

30 **SECTION 35.** Article XIII, Sections 48 and 49 of Republic Act No. 10066 are renumbered as
31 Sections 62 and 63, respectively, and are hereby amended as follows:
32

33 “SEC. [48] 62. *Prohibited Acts.* – To the extent that the offense is not punishable
34 by a higher punishment under another provision of law, violations of this Act may
35 be made by whoever [intentionally]:
36

37 xxx
38

39 “(f) Illicitly exports cultural property listed in the Philippine Registry of Cultural
40 Property or those that may be categorized as such upon visitation or incorrectly
41 declares the same during transit; [and]
42

43 “(g) Deals in cultural property without proper registration and license issued by
44 the cultural agency concerned;[.] AND
45

46 “(H) FAILS WITHOUT JUST CAUSE TO FOLLOW ANY DECISION, RULING, OR
47 ORDER,OR VIOLATES THE CONDITIONS OR TERMS OF ANY LICENSE, PERMIT OR
48 AUTHORIZATION,ISSUED BY THECOMMISSION AND/OR THE CONCERNED
49 CULTURAL AGENCY,SHALL BE PENALIZED IN ACCORDANCE WITH SECTION 49
50 HEREIN.”

1
2 "SEC. [49] 63. *Penal Provisions.* – Upon conviction, the offender shall be subject to
3 a fine of [not less than Two hundred thousand pesos (P200,000.00) or
4 imprisonment for a term of not less than ten (10)] AT LEAST TRIPLE THE VALUE OF
5 THE CULTURAL PROPERTY OR AN IMPRISONMENT FROM ONE (1) YEAR BUT NOT
6 MORE THAN SIX (6) years, or both, upon the discretion of the Court: *PROVIDED,*
7 *THAT THE COURT SHALL CONSIDER THE CATEGORY AND THE VALUE OF THE*
8 *CULTURAL PROPERTY INVOLVED THE IMPOSITION OF THE PENALTY: Provided,*
9 *FURTHER,* That any cultural property attempted to be concealed from registration
10 or those intended to be encumbered or excavated in violation of this Act shall be
11 summarily confiscated and forfeited in favor of the Commission: *Provided, further,*
12 *That if the violation is committed by a juridical person, the president, manager,*
13 *representative, director, agent or employee of the said juridical person responsible*
14 *for the act shall also be liable for the penalties provided herein: Provided,*
15 *further[more],* That if the acts are committed by dealers, [they shall suffer, in
16 addition to the penalties provided herein, the automatic revocation of their license
17 to operate] HOLDERS OF ANY LICENSE, PERMIT, OR AUTHORIZATION, THEIR
18 LICENSE, PERMIT OR AUTHORIZATION SHALL BE DEEMED AUTOMATICALLY
19 REVOKED: *Provided, FURTHER [finally],* That if the offender is an alien, he/she shall
20 be placed under the custody of the Bureau of Immigration for the appropriate
21 proceedings under this Act and shall be summarily deported after serving his/her
22 sentence[.]: *PROVIDED, FINALLY, THAT IF THE CULTURAL PROPERTY AFFECTED*
23 *REQUIRES REHABILITATION OR RESTORATION AS DETERMINED BY THE COURT,*
24 *THE OFFENDER SHALL BE REQUIRED, IN LIEU OF THE PAYMENT OF FINE, TO*
25 *RESTORE OR COMPENSATE FOR THE RESTORATION OF THE DAMAGE WHICH*
26 *SHALL ACCRUE TO NATIONAL ENDOWMENT FOR CULTURE AND THE ARTS*
27 *(NECA).*

28
29 "VALUATION OF THE DAMAGE FOR THIS ACT SHALL TAKE INTO ACCOUNT THE
30 HISTORICAL, CULTURAL, AND AESTHETIC VALUE OF THE CULTURAL PROPERTY
31 INVOLVED. VALUATION ASSESSED BY THE COMMISSION IN COORDINATION WITH
32 THE OTHER CULTURAL AGENCIES AND CONCERNED
33 GOVERNMENT AGENCIES SHALL BE PRESUMED CORRECT UNLESS OTHERWISE
34 PROVEN BY PREPONDERANCE OF EVIDENCE.

35
36 "ANY PERSON WHO SHALL INDUCE ANOTHER OR CONSPIRE TO COMMIT ANY
37 OF THE ILLEGAL ACTS PROHIBITED IN THIS ACT OR SUFFER THEIR WORKERS TO
38 COMMIT ANY OF THE SAME SHALL BE LIABLE IN THE SAME MANNER AS THE ONE
39 ACTUALLY PERFORMING THE ACT.

40
41 "UPON APPREHENSION, ALL CONVEYANCES, VESSELS, EQUIPMENT,
42 PARAPHERNALIA, IMPLEMENTS, GEARS, TOOLS AND SIMILAR DEVICES SHALL BE
43 SUBJECT TO IMMEDIATE AND ADMINISTRATIVE CONFISCATION, INDEPENDENT
44 OF THE JUDICIAL PROCEEDINGS, SUBJECT HOWEVER TO DUE PROCESS AND
45 SUBSTANTIAL EVIDENCE REQUIREMENTS. WHEN LEGAL ACTION IS HOWEVER
46 FILED IN THE REGULAR COURTS, THE SAID CONVEYANCES, VESSELS,
47 EQUIPMENTS, PARAPHERNALIA, IMPLEMENTS, GEARS, TOOLS AND SIMILAR
48 DEVICES, INDEPENDENT OF THE ADMINISTRATIVE PROCEEDINGS, SHALL NOT BE
49 RELEASED UNTIL AFTER JUDGMENT HAS BEEN RENDERED. PROCEEDS OF THE
50 SALE OF ALL OBJECTS ADMINISTRATIVELY OR JUDICIALLY CONFISCATED

1 PURSUANT HERETO SHALL ACCRUE TO THE NATIONAL ENDOWMENT FOR
2 CULTURE AND THE ARTS (NECA). THE PROCEDURE FOR THE SALE THEREOF
3 SHALL BE PROMULGATED BY THE COMMISSION. HOWEVER, IN NO CASE SHALL
4 ANY CONFISCATED OR RECOVERED PROTECTED CULTURAL PROPERTY BE SOLD
5 OR IN ANY MANNER DISPOSED OF BUT SHALL BE IMMEDIATELY TURNED OVER
6 TO THE LEGAL AFFAIRS OFFICE, SUBJECT TO EXISTING REGULATIONS.

7
8 xxx

9
10 xxx

11
12 "The concerned head of agency, officer and/or employee of the government
13 entities [mentioned in Section 31] shall be held liable for failure to consult and
14 coordinate with the Commission for the damage to the cultural property resulting
15 from the implementation of the entity's program/project, and shall be meted the
16 penalty mentioned in the first paragraph of this section, AS APPLICABLE: *Provided,*
17 That the offender/s shall likewise be asked to pay for the repair or rebuilding of
18 what has been damaged."

19
20 **SECTION 36.** A new Section 64 under Article XIII is hereby inserted as follows:

21
22 "SEC. 64. *TURNOVER OF FINES.* – FINES COLLECTED UNDER THIS ARTICLE AND
23 CIVIL DAMAGES REALIZED FROM THE PROSECUTIONS UNDER THIS ACT SHALL BE
24 TURNED OVER ANNUALLY TO THE COMMISSION TO AUGMENT ITS BUDGET FOR
25 MAINTENANCE AND OTHER OPERATING EXPENSES AND CAPITAL OUTLAY."

26
27 **SECTION 37.** Article XIV, Section 50 of Republic Act No. 10066 is hereby renumbered as
28 Section 65 and is hereby amended as follows:

29
30 "SEC. [50] 65. *National Endowment for Culture and the Arts.* – The sum of Five
31 hundred million pesos (P500,000,000.00) shall be contributed by the Philippine
32 Amusement and Gaming Corporation (PAGCOR) [and/or General Appropriations] at
33 the minimum rate of One hundred million pesos (P100,000,000.00) per year for five
34 (5) years towards the establishment of a National Endowment for Culture and the
35 Arts. Said amount shall be kept separate and deposited in a special account in the
36 Bureau of Treasury specifically earmarked [for culture and the arts] TO FINANCE
37 CONSERVATION PROGRAMS AND RESTORATION ACTIVITIES."

38
39 **SECTION 38.** A new Section 66 under Article XIV is hereby inserted as follows:

40
41 "SEC. 66. *APPROPRIATIONS.* – THE AMOUNT NECESSARY TO CARRY OUT THE
42 IMPLEMENTATION OF THIS ACT IS HEREBY AUTHORIZED TO BE APPROPRIATED
43 IN THE ANNUAL BUDGET OF THE COMMISSION IN THE GENERAL
44 APPROPRIATIONS ACT OF THE YEARS FOLLOWING ITS ENACTMENT INTO LAW.

45
46 "THE AMOUNT NECESSARY FOR THE OPERATIONS OF THE SENTRO RIZAL
47 SHALL BE INCLUDED IN THE ANNUAL BUDGET OF THE NCCA TO BE
48 APPROPRIATED IN ITS ANNUAL GENERAL APPROPRIATIONS ACT."

CHAPTER 3
FINAL PROVISIONS

SECTION 39. *Implementing Rules and Regulations.* - Within one hundred twenty (120) days from the approval of this Act, the Commission, in consultation with other government agencies mentioned in this Act, shall formulate the rules and regulations implementing the provisions of this Act. The implementing rules and regulations issued pursuant to this section shall take effect thirty (30) days after its publication in two (2) national newspapers of general circulation.

SECTION 40. *Repealing Clause.* - Sec 12, 16 and 17 of R.A. No. 4846, or the "Cultural Properties Preservation and Protection Act," as amended by Presidential Decree No. 374; pertinent provisions of Republic Act No. 7356, or the "Law Creating the National Commission for Culture and the Arts"; and Republic Act No. 8492, or the "National Museum Act of 1998", are hereby amended.

All other laws, Executive Orders, Presidential Decrees and rules and regulations inconsistent with the provisions of this Act are likewise repealed or amended accordingly.

SECTION 41. *Separability. - Clause.* If any provision of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in force and effect.

SECTION 42. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,