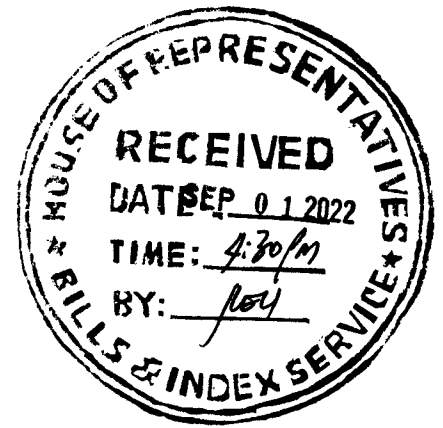




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session



House Bill No. 4346

Introduced by **HON. JOSEPHINE VERONIQUE “Jaye” R. LACSON - NOEL**
and **HON. FLORENCIO GABRIEL G. NOEL**

EXPLANATORY NOTE

Through the passage of Republic Act No. 7356 that created the National Commission for Culture and the Arts, it highlighted government’s support for cultural development. The NCCA is the overall policy making body, coordinating, and grant-giving agency for the preservation, development, and promotion of Philippine arts and culture. It is an executing agency for the policies it formulates, and is tasked to administer the National Endowment Fund for Culture and the Arts (NEFCA), a fund exclusively for the implementation of culture and arts programs and projects.¹ One of the powers and functions of the NCCA is to regulate registration, excavation, preservation, and exportation of Philippine cultural properties. To further strengthen the NCCA and the significance of cultural properties, RA 10066 or the National Heritage Act of 2009 was enacted. This paved the way for the creation of the Philippine Registry of Cultural Property (PRECUP), the repository of all information pertaining to cultural properties in the Philippines deemed significant to our cultural heritage.²

Under the National Heritage Act, immovable cultural properties include: National Cultural Treasures, or those which possess outstanding historical, cultural, artistic, and scientific value, which is highly significant to the country, as determined by either the National Museum (NM) or the National Historical Commission of the Philippines (NHCP); Important Cultural Property, or those having exceptional cultural, artistic, and historical significance to the Philippines, as determined by either the NM or the NHCP; National Historical Shrines, or historical sites or structures revered for their history, as determined by the NHCP; National Historical Monuments, or structures that honor illustrious persons or commemorate events of historical value, as determined by the NHCP; National Historical Landmarks, or sites or structures that are associated with events or achievements significant in Philippine history, as determined by the NHCP, and World Heritage Sites, or sites that not only have national significance, but also have unique characteristics that are significant to world heritage, as declared by the United Nations Educational, Scientific and Cultural Office (UNESCO).

¹ <https://ncca.gov.ph/about-ncca-3/history-and-mandate/>

² <https://ncca.gov.ph/philippine-registry-cultural-property-precup/>
#:~:text=lt%20plays%20a%20crucial%20role,cultural%20heritage%20especially%20in%20local

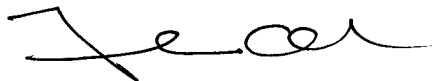
UNESCO listed several heritage sites in the country and they are breathtaking remnants of our progress and development.³

This bill seeks to protect the integrity of cultural properties from adverse visual impact, which is very important to Filipino history and culture. This protection ensures that their appearance is closest to how they appeared centuries ago. Being able to experience them as such, the present generation can now be linked to the previous generations, which is one way by which cultural heritage can truly be experienced.⁴

IN VIEW OF THE FOREGOING, approval of this bill is earnestly sought.



JOSEPHINE VERONIQUE “Jaye” R. LACSON - NOEL
Lone District, Malabon City



FLORENCIO GABRIEL G. NOEL
An Waray Party-list

³ <https://whc.unesco.org/en/statesparties/ph/documents/>

⁴ Why you should care about heritage markers on historical structures by Kathleen Dela Cuesta-Tantuico: <https://www.cnnphilippines.com/life/culture/2020/5/28/heritage-marker.html>



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House Bill No. **4346**

Introduced by **HON. JOSEPHINE VERONIQUE “Jaye” R. LACSON - NOEL**
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AN ACT
STRENGTHENING THE CONSERVATION AND PROTECTION OF PHILIPPINE
CULTURAL HERITAGE THROUGH CULTURAL MAPPING AND AN
ENHANCED CULTURAL HERITAGE EDUCATION PROGRAM, AMENDING
FOR THE PURPOSE REPUBLIC ACT NO. 10066, OTHERWISE KNOWN AS THE
“NATIONAL CULTURAL HERITAGE ACT OF 2009”

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

SECTION 1. Article II, Section 1 3 of Republic Act (R.A.) No. 10066, otherwise known as the “National Cultural Heritage Act of 2009,” is hereby amended to read as follows:

“SEC. 3. Definition of Terms. – For purposes of this Act, the following terms shall be defined as follows:

“(a) ‘Adaptive reuse’ shall refer to the utilization of buildings, other built-structures and sites of value for purposes other than that for which they were intended originally, in order to conserve the [site, their engineering integrity and authenticity of design.] SIGNIFICANCE OF THE SITE AND EXTEND ITS USE AND VALUE IN CONTEMPORARY AND FUTURE CONTEXT.

X X X

“(O) ‘CULTURAL MAPPING’ SHALL REFER TO THE APPROACHES EMPLOYED TO IDENTIFY, RECORD AND USE CULTURAL HERITAGE RESOURCES AND ACTIVITIES FOR BUILDING AND EMPOWERING COMMUNITIES. IT IS A SYSTEMATIC SET OF ACTIVITIES AND METHODOLOGICAL PROCESSES FOR EXPLORING, DISCOVERING, DOCUMENTING, EXAMINING, ANALYZING, INTERPRETING, PRESENTING, AND SHARING INFORMATION RELATED TO PEOPLE, COMMUNITIES, SOCIETIES, PLACES, 1 AND THEIR MATERIAL PRODUCTS, PRACTICES, AND NARRATIVES.

X X X

“(EE) ‘NATURAL HERITAGE’ SHALL REFER TO FLORA AND FAUNA, PHYSICAL, GEOLOGICAL AND PHYSIOGRAPHICAL FORMATIONS OF THE ENVIRONMENT, AND OTHER RELATED ECOSYSTEMS, WHETHER TERRESTRIAL, WETLAND OR MARINE, AND THE ECOSYSTEM SERVICES THEY PROVIDE

“[(dd)] (FF) ‘Natural property of cultural significance’ shall refer to [areas possessing outstanding ecosystem with flora and fauna of national scientific importance] NATURAL HERITAGE CHARACTERIZED BY INTENSE BEAUTY, ENDEMICITY, AND UNIQUE BIOLOGICAL DIVERSITY under the National Integrated Protected Areas System[.] PURSUANT TO R.A. 7586, OTHERWISE KNOWN AS THE ‘NATIONAL INTEGRATED PROTECTED AREAS SYSTEM ACT OF 1992,’ AS AMENDED, INCLUDING OTHER PROTECTED AREAS RECOGNIZED INTERNATIONALLY UPON THE RECOMMENDATION OF THE PHILIPPINE GOVERNMENT, SUCH AS HERITAGE PARKS, BIOSPHERE RESERVES, AND RAMSAR SITES, AMONG OTHERS. IT SHALL LIKEWISE INCLUDE THREATENED SPECIES OF PLANTS AND ANIMALS IDENTIFIED IN ACCORDANCE WITH THE PROVISIONS OF R.A. 9147, OTHERWISE KNOWN AS THE ‘WILDLIFE RESOURCES CONSERVATION AND PROTECTION ACT.’

“[(ee)] (GG) ‘NCCA Portal Cultural Databank’ shall refer to the specific domain in the Commission's [intranet for cultural information that is accessed only internally with control and confidentiality.] ONLINE DATABASE WHERE DIGITIZED CULTURAL MAPS ARE LODGED FOR THE INFORMATION OF THE PUBLIC AND FOR SCIENTIFIC RESEARCH AND ACADEMIC PURPOSES. It includes the registry of national cultural property. THE INFORMATION ON PRIVATE OWNERSHIP OF THE REGISTERED CULTURAL PROPERTIES IN THIS DATABANK SHALL REMAIN CONFIDENTIAL IN COMPLIANCE WITH SECTION 14 OF R.A. NO. 10066 AND R.A. 10173, OTHERWISE KNOWN AS THE ‘DATA PRIVACY ACT OF 2012.’

“[(ff)] (HH) x x x

“(II) ‘PHILIPPINE CULTURAL STATISTICS FRAMEWORK’ SHALL REFER TO THE CONCEPTUAL MODEL FOR DEFINING CULTURE FOR STATISTICAL PURPOSES THAT WAS JOINTLY ADOPTED BY THE COMMISSION AND THE PHILIPPINE STATISTICS AUTHORITY (PSA) UNDER PSA BOARD RESOLUTION NO. 2, SERIES OF 2016, ENTITLED, ‘APPROVING AND ADOPTING THE PHILIPPINE CULTURAL STATISTICS FRAMEWORK.’ IT IS A TOOL FOR ORGANIZING CULTURAL STATISTICS NATIONALLY AND INTERNATIONALLY THAT SUPPORTS THE DEVELOPMENT OF DATA COLLECTION INSTRUMENTS AND INDICATORS AND A METHODOLOGY FOR THE PRODUCTION OF HARMONIZED DATA AND INDICATORS.

“(JJ) ‘RECONSTRUCTION’ SHALL 1 REFER TO AN ACTION OF REPAIR WHEREBY THE STRUCTURE IS RETURNED TO ITS EARLIER STATE BY INTRODUCING NEW MATERIALS, FORM, AND TECHNOLOGY.

“[(gg)] (KK) ‘Registry’ shall refer to the Philippine Registry of Cultural Property [which is the registry of all cultural property of the country deemed of significant importance to our cultural heritage.] WHICH IS A REPOSITORY OF THE LISTING, DOCUMENTATION, AND STATEMENT OF SIGNIFICANCE OF ALL CULTURAL

PROPERTIES OF THE COUNTRY THAT HAVE BEEN DEEMED LOCALLY AND NATIONALLY SIGNIFICANT.

“[(hh)] (LL) ‘Restoration’ shall refer to [the action taken or the technical intervention to correct deterioration and alterations.] THE ACT OF REPAIRING A STRUCTURE WHEREBY IT IS RETURNED TO ITS EARLIER STATE BY USING ORIGINAL MATERIALS, FORMS, AND APPROPRIATE TECHNOLOGY.

“[(ii)] (MM) x x x.”

SEC. 2. Article V, Section 14 of R.A. 10066 is hereby amended to read as follows:

“SEC. 14. Establishment of a Philippine Registry of Cultural Property. – All cultural properties of the country deemed important to cultural heritage shall be registered in the Philippine Registry of Cultural Property.

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

x x x

“(c) [Both] THE cultural agencies concerned and local government units shall continuously coordinate in [making entries and in] monitoring AND UPDATING [the various cultural properties in] their respective [inventory] CULTURAL PROPERTY INVENTORIES. THE COMMISSION SHALL PROVIDE TECHNICAL AND FINANCIAL ASSISTANCE TO LGUs FOR THE INVENTORY AND UPDATING OF LOCALLY AND NATIONALLY DECLARED CULTURAL PROPERTIES, AND TANGIBLE AND INTANGIBLE HERITAGE.

x x x

“THE INCLUSION OF CULTURAL PROPERTIES BELONGING TO THE INDIGENOUS CULTURAL COMMUNITIES OR INDIGENOUS PEOPLES (ICCs/IPs) IN THE REGISTRY SHALL BE SUBJECT TO PRIOR CONSULTATION WITH THE ICCs/IPs AND THEIR FREE, PRIOR, AND INFORMED CONSENT.”

SEC. 3. A new Section 14A is hereby inserted after Section 14 of Republic Act No. 10066 to read as follows:

“SEC. 14A. CULTURAL MAPPING BY LOCAL GOVERNMENT UNITS. – LOCAL GOVERNMENT UNITS (LGUs) ARE HEREBY MANDATED TO CONDUCT A COMPREHENSIVE CULTURAL MAPPING OF THEIR AREAS OF JURISDICTION. THEY SHALL MOBILIZE AND ESTABLISH PARTNERSHIPS WITH CONCERNED GOVERNMENT AGENCIES TO ENSURE PROMPT AND EFFECTIVE IMPLEMENTATION OF THE PROVISION OF THIS ACT. THEY MAY SEEK ASSISTANCE FROM NONGOVERNMENT ORGANIZATIONS, CULTURAL ORGANIZATIONS, ACADEMIC AND PRIVATE INSTITUTIONS IN THE UNDERTAKING OF CULTURAL MAPPING ACTIVITIES: PROVIDED, THAT SAID INSTITUTIONS ADHERE TO THE GUIDELINES SET FORTH BY THE COMMISSION. ALL FINDINGS AND OUTPUTS SHALL BE SUBMITTED IN THE PHILIPPINE REGISTRY OF CULTURAL PROPERTY.

“LGUs SHALL COORDINATE WITH THE FOLLOWING AGENCIES FOR THE CONDUCT OF CULTURAL MAPPING:

“(A) COMMISSION ON HIGHER EDUCATION FOR THE INSTITUTION OF CULTURAL AWARENESS IN STATE UNIVERSITIES AND COLLEGES, AND STRENGTHENING OF CULTURE, HERITAGE, ARTS AND HISTORY RESEARCHES THAT IMPACT ON COMMUNITY DEVELOPMENT;

“(B) DEPARTMENT OF AGRICULTURE FOR THE DOCUMENTATION OF HERITAGE CROPS, PRODUCTS, TECHNOLOGIES, AGRICULTURAL HERITAGE SYSTEMS, AND FOOD SOURCES THAT SUSTAIN THE INDIGENOUS LOCAL COMMUNITIES, AND INVENTORY OF NATURAL AND NON-TRADITIONAL FIBERS AND ITS PROCESSES AND UTILIZATION;

“(C) DEPARTMENT OF EDUCATION FOR THE INSTITUTION OF CULTURAL AWARENESS IN BASIC EDUCATION; CAPACITY-BUILDING PROGRAM FOR TEACHERS IN MAPPING HERITAGE RESOURCES OF LOCAL COMMUNITIES AND CULTURAL PEDAGOGY; AND LOCALIZATION AND CONTEXTUALIZATION OF EDUCATIONAL MATERIAL AND CONTENT BASED ON THE LOCALITIES’ CULTURAL PROFILES TO CULTIVATE AWARENESS AND PRIDE IN COMMUNITY IDENTITY;

“(D) DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE INVENTORY OF NATIONAL PARKS AND AREAS THAT ARE HABITATS OF ENDEMIC SPECIES AND UNIQUE BIODIVERSITY; ENFORCEMENT FOR THE PROTECTION AND CONSERVATION OF NATURAL HERITAGE SITES; RESEARCH ON THE ECOSYSTEM SERVICES OF THE ENVIRONMENT TO THE LIVES OF THE PEOPLE; AND PROMOTION OF THE CONCEPT OF CULTURAL LANDSCAPE FOR SUSTAINABLE DEVELOPMENT;

“(E) DEPARTMENT OF FOREIGN AFFAIRS FOR THE ENHANCEMENT OF PHILIPPINE CULTURAL DIPLOMACY, AND PARTICIPATION IN THE PROGRAMS OF UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO) CONVENTIONS AND OTHER INTERNATIONAL ORGANIZATIONS;

“(F) DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY FOR THE DEVELOPMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY APPROPRIATED FOR IMPROVING PUBLIC ACCESS, RESOURCE SHARING, AND DISSEMINATION OF CULTURAL HERITAGE INFORMATION;

“(G) DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT FOR THE STRENGTHENING OF THE COMPREHENSIVE LAND USE AND DEVELOPMENT PLAN THAT RESPECT THE VALUE OF HERITAGE SITES AND ZONES, AND CAPACITY BUILDING OF LOCAL CHIEF EXECUTIVES AND THE SANGGUNIAN ON CULTURE-BASED GOVERNANCE;

“(H) DEPARTMENT OF NATIONAL DEFENSE FOR AWARENESS BUILDING ON THE CULTURE, HERITAGE, AND HISTORY AS BASIS FOR CONFLICT SETTLEMENT, CULTURE-BASED APPROACH IN TRAUMA COUNSELING

PROCESS, AND DOCUMENTATION OF RESILIENCY MECHANISM OF COMMUNITIES DURING DISASTERS AND CALAMITIES;

“(I) DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS FOR AWARENESS BUILDING ON CULTURAL HERITAGE SENSITIVITY, AND INSTITUTION OF GUIDELINES FOR ITS PROGRAMS AS THEY IMPACT HERITAGE ZONES AND SITES, IN COORDINATION WITH THE COMMISSION;

“(J) DEPARTMENT OF SCIENCE AND TECHNOLOGY FOR APPLICATION OF RESEARCH IN CONSERVATION OF MATERIALS AND STRUCTURES; INVENTORY ON NATURAL RESOURCES OF DYES; TRADITIONAL TEXTILES AND APPAREL MATERIALS, DESIGNS, TECHNIQUES, PROCESSES AND MACHINES, OTHER PERTINENT RESEARCH, AND DEVELOPMENT AND INNOVATION FOR THE TEXTILE INDUSTRY SECTOR IN THE COUNTRY;

“(K) DEPARTMENT OF TOURISM FOR THE TOURISM DEVELOPMENT PLANS AND CULTURE-BASED PROGRAMS FOR TOURISM SITES AND NATIONAL AND WORLD HERITAGE DECLARED SITES, AND CULTURAL SENSITIVITY AND TOURISM CAPACITY BUILDING;

“(L) DEPARTMENT OF TRADE AND INDUSTRY FOR THE INVENTORY AND DEVELOPMENT OF CULTURAL HERITAGE-BASED PRODUCTS AND ENTREPRENEURSHIP PROGRAMS, AND THE ADOPTION OF CULTURALLY SENSITIVE TRADE FAIR PROMOTIONS AND PROGRAMS;

“(M) FILM DEVELOPMENT COUNCIL OF THE PHILIPPINES (FDCP) FOR PROTECTION, PRESERVATION, AND DIGITALIZATION OF FILM NEGATIVES AND PRINTS, AUDIOVISUAL CONTENTS AND ELEMENTS AND NON-FILM ARCHIVE, INCLUDING STORY OUTLINES, SCREENPLAYS, SET AND STILL PHOTOS, POSTERS, AND OTHER DOCUMENTS ON THE CREATION AND DISTRIBUTION OF CINEMATIC WORKS;

“(N) NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP) FOR THE IP-DRIVEN DOCUMENTATION, INVENTORY AND PUBLICATION OF ALL INFORMATION ABOUT THE ORIGIN AND HISTORY OF ICCS/IPS, SETTLEMENT PATTERNS AND ANCESTRAL DOMAINS, POPULATION AND SOCIAL DIASPORA, GOVERNANCE AND POLITICAL SYSTEMS INCLUDING CUSTOMARY LAWS, INDIGENOUS POLITICAL STRUCTURES, JUSTICE AND PEACE PACT SYSTEMS, AND CONFLICT RESOLUTION AND DECISION-MAKING MECHANISMS, SOCIAL ORGANIZATION AND KINSHIP, ECONOMY AND TECHNOLOGY, SPIRITUAL BELIEFS AND RITUALS, LIFE CYCLE CUSTOMS AND TRADITIONS, MATERIAL CULTURE, MEDICINAL KNOWLEDGE AND SCIENCES, CLIMATE CHANGE MITIGATION AND ADAPTATION, AND OTHER ATTRIBUTES OF THEIR ETHNICITY, LIFE SITUATIONS AND WORLDVIEWS ON THE INTERRELATIONSHIPS WITH THE CREATOR, LAND AND ENVIRONMENT, AND OTHER PEOPLE; UTILIZATION OF CULTURAL HERITAGE RESOURCES AND ACTIVITIES FOR THE EMPOWERMENT OF ICCS/IPS; AND MAINSTREAMING THE INDIGENOUS KNOWLEDGE SYSTEMS, SKILLS AND PRACTICES IN NATIONAL DEVELOPMENT AGENDA.

“IN ALL CASES WHEN THE CULTURAL MAPPING ACTIVITY AFFECTS AN ANCESTRAL DOMAIN, THE ICC/IP CONCERNED SHALL BE CONSULTED IN ACCORDANCE WITH EXISTING LAWS, RULES AND REGULATIONS; AND

“(O) PHILIPPINE INSTITUTE OF TRADITIONAL AND ALTERNATIVE HEALTH CARE OF THE DEPARTMENT OF HEALTH FOR THE RESEARCH, DOCUMENTATION, AND INVENTORY OF PHILIPPINE TRADITIONAL MEDICINE AND PRACTICES IN HEALTH; AND RESEARCH AND DEVELOPMENT OF TRADITIONAL HERBAL MEDICINE AND TRADITIONALLY USED HERBAL PRODUCTS.”

SEC. 4. Article X, Section 38 of R.A. 10066 is hereby amended to read as follows:

“SEC. 38. Incorporation of National Cultural Treasures and Important Cultural Property in the Basic Education System. – [Within one (1) year from the effectivity of this Act, t]The Department of Education, in coordination with the Commission[’s Philippine Cultural Education Program], shall formulate the cultural heritage education programs both for local and overseas Filipinos to be incorporated into the formal, alternative and informal education, with emphasis on the protection, conservation and preservation of cultural heritage property.

x x x.”

SEC. 5. Article X, Section 39 of R.A. 10066 is hereby amended to read as follows:

“SEC. 39. Cultural Heritage Education Program. – [Within one (1) year from the effectivity of this Act, t]The Department of Education, the Technical Education and Skills Development Authority, and the Commission on Higher Education, in consultation with the Commission, shall set forth in its teaching programs nationwide the following cultural heritage education programs, WHICH SHALL BE PRIMARILY CARRIED OUT [with emphasis] at the provincial, city and municipal levels:

“(a) Protection, conservation and preservation of cultural heritage properties: PROVIDED, THAT THE DEVELOPMENT AND COORDINATION OF SKILLS TRAINING COURSES FOR VARIOUS FORMS OF TRADITIONAL MEDICINE PRACTICES AND FORMULATIONS SHALL BE COORDINATED WITH THE PITAHC;

“(B) RESEARCH AND DOCUMENTATION OF HERITAGE IN VARIOUS PLATFORMS;

“(C) UTILIZATION OF CULTURAL HERITAGE IN INTERDISCIPLINARY FIELDS TOWARDS SUSTAINABLE DEVELOPMENT: PROVIDED, THAT MUSIC, SOUND, AND AUDIOVISUAL ARCHIVING SHALL BE COORDINATED WITH THE FDGP;

“[(b)] (D) x x x

“(E) INDIGENOUS KNOWLEDGE SYSTEMS SKILLS AND PRACTICES THROUGH THE APPROPRIATE SCHOOLS OF LIVING TRADITIONS MODELS, WITH THE PARTICIPATION OF THE ICCs/IPs AND IN CONJUNCTION WITH THE NCIP;

“[(c)] (F) x x x

“(G) CAPACITY BUILDING OF AGENCIES AND COMMUNITIES THROUGH CULTURE-BASED APPROACHES;

“(H) DEVELOPMENT OF THE PHILIPPINE FRAMEWORK FOR CULTURAL HERITAGE COMPETENCY: PROVIDED, THAT COMPETENCIES FOR MUSIC, SOUND, AND AUDIOVISUAL ARCHIVING SHALL BE COORDINATED WITH THE FDCP; AND

“(I) CONTEXTUALIZATION OF EDUCATIONAL MATERIALS AND CONTENT BASED ON LOCAL CULTURAL PROFILES.”

SEC. 6. Nothing in this Act shall be construed to diminish the rights of ICCs/IPs as provided for by the Constitution, R.A. 8371, otherwise known as the “Indigenous Peoples’ Rights Act of 1997,” and all related international agreements and covenants on their rights.

SEC. 7. Within sixty (60) days from the effectivity of this Act, the Commission shall, in coordination with concerned agencies of the government, promulgate the necessary rules and regulations for the proper implementation of this Act.

SEC. 8. If any provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

SEC. 9. Sections 3, 14, 38, and 39 of R.A. 10066 are hereby amended. All other laws, executive orders, presidential decrees, proclamations, rules, regulations, issuances, and enactments or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 10. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,