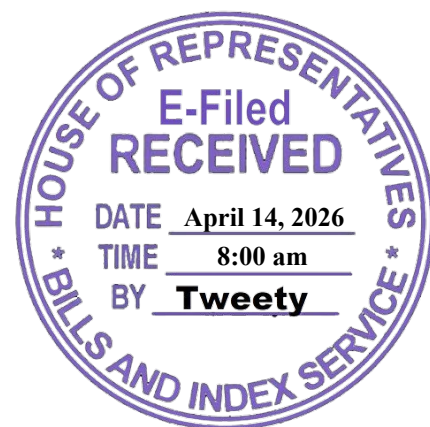


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 8853



Introduced by **REP. JAVIER MIGUEL L. BENITEZ**

EXPLANATORY NOTE

The conservation and promotion of the nation's historical and cultural heritage is a solemn constitutional mandate. Article XIV, Section 15 of the 1987 Constitution expressly provides that "The State shall conserve, promote, and popularize the nation's historical and cultural heritage and resources." This policy has been implemented through landmark legislation, primarily Republic Act ("R.A.") No. 10066 (2009), otherwise known as the *National Cultural Heritage Act of 2009*, as amended. These laws establish a comprehensive framework for the identification, preservation, and protection of cultural properties.

However, a significant gap exists in the practical implementation of this policy. The Presidential Decree ("P.D.") No. 1096 (1977), or the *National Building Code of the Philippines*, a foundational law governing all aspects of building and construction, does not explicitly integrate the principles of cultural heritage conservation into its regulatory and permitting processes. This has created a disjointed system where the mandate to protect heritage is often sidelined or ignored during the design, permitting, inspection, and demolition of structures, leading to the irreversible loss of invaluable built heritage.

This bill seeks to bridge this critical gap by amending the P.D. NO. 1096 to fully align it with the principles of cultural heritage conservation. It is premised on the belief that heritage protection is not a peripheral concern but an integral element of sound urban planning and public welfare.

By harmonizing these two vital laws, this bill aims to achieve several objectives. First, it seeks systemic integration by explicitly embedding heritage conservation as a core principle within P.D. NO. 1096, thereby ensuring that conservation is an integral part of the building permitting and regulatory process from a project's inception to its completion. Second, it promotes harmonization of laws by establishing clear, actionable regulatory mechanisms that align the application of

P.D. NO. 1096 with existing cultural heritage laws, thus providing a consistent and enforceable framework for all stakeholders. Third, it emphasizes professional accountability by imposing a clear duty on architects, engineers, and building officials to assess the heritage status of structures, comply with the clearance requirements of cultural agencies, and recognize that violations of heritage laws constitute a breach of their professional responsibilities. Finally, it mandates the institutionalization of impact assessments by requiring Heritage Impact Assessments and Archaeological Impact Assessments for culturally significant sites, thereby ensuring a rigorous, evidence-based approach to development in sensitive areas.

To achieve these objectives, this bill introduces several key amendments. It mandates the preparation of a Statement of Heritage Compliance by the project architect or engineer as a prerequisite for the issuance of both building permits and certificates of occupancy. It also prohibits the demolition of any culturally significant site without first securing the necessary clearance from the National Commission for Culture and the Arts (NCCA), ensuring that due diligence and expert consultation are conducted before any irreversible action is taken. Furthermore, the bill empowers and requires local government units to integrate cultural properties and their buffer zones into their respective Comprehensive Land Use Plans and Zoning Ordinances, thereby embedding heritage conservation into local-level development planning.

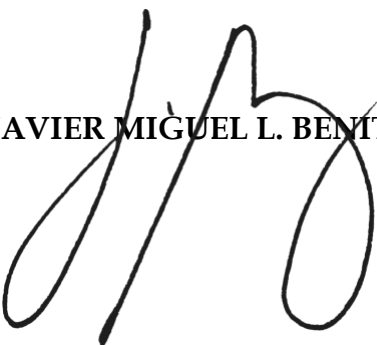
International best practices and a growing body of academic research affirm that the conservation of built heritage contributes not only to national identity and cultural pride but also to sustainable urban development, economic growth, and community well-being.^{1,2} This measure ensures that heritage protection is no longer treated as a collateral concern but as an integral element of the regulatory process governing all buildings and structures.

This bill reaffirms the principle that heritage protection is entirely consistent with—and not opposed to—the core objectives of the National Building Code: life safety, property protection, and environmental sustainability. It provides a legal and practical framework for ensuring that development in the Philippines respects and honors its past while building for the future.

¹ Rypkema, Donovan D. and Caroline S. Cheong. "Heritage conservation: The real sustainable development." (2012).

² Fayez, Homaira. 2024. "From 'Objects' to 'Sustainable Development': The Evolution of Architectural Heritage Conservation in Theory and Practice" *Buildings* 14, no. 8: 2566. <https://doi.org/10.3390/buildings14082566>

In view of the foregoing, the immediate passage of this measure is earnestly sought.


JAVIER MIGUEL L. BENITEZ

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 8853

Introduced by **REP. JAVIER MIGUEL L. BENITEZ**

**AN ACT STRENGTHENING THE CONSERVATION AND PROTECTION
OF PHILIPPINE CULTURAL HERITAGE, AMENDING FOR THE
PURPOSE PRESIDENTIAL DECREE NO. 1096, OTHERWISE
KNOWN AS THE "NATIONAL BUILDING CODE OF THE
PHILIPPINES"**

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

Section 1. Presidential Decree No. 1096, otherwise known as the
"National Building Code," is hereby amended to read as follows:

“

xxx

SECTION 102. Declaration of Policy.

It is hereby declared to be the policy of the State to safeguard life, health,
property, and public welfare, consistent with the principles of sound
environmental management and control **AND OF THE
CONSERVATION OF CULTURAL HERITAGE**; and to this end, make
it the purpose of this Code to provide for all buildings and structures, a
framework of minimum standards and requirements to regulate and
control their location, site, design, quality of materials, construction, use,
occupancy, and maintenance.

SECTION 103. Scope and Application.

- . The provisions of this Code shall apply to the design, location, siting, construction, alteration, repair, conversion, use, occupancy, maintenance, moving, demolition of, and addition to public and private buildings and structures, except traditional indigenous family dwellings as defined herein, **UNLESS SUCH INDIGENOUS FAMILY DWELLINGS FALL UNDER SUBSECTION (C) BELOW.**
- a. Buildings and/or structures constructed before the approval of this Code shall not be affected thereby except when alterations, additions, conversions, or repairs are to be made therein in which case, this Code shall apply only to portions to be altered, added, converted or repaired.
- b. **IN THE CASE OF THE DESIGN, LOCATION, SITING, CONSTRUCTION, ALTERATION, REPAIR, CONVERSION, USE, OCCUPANCY, MAINTENANCE, MOVING, DEMOLITION OF, AND ADDITION TO PUBLIC AND PRIVATE BUILDINGS THAT ARE COVERED BY REPUBLIC ACT NO. 10066, "THE NATIONAL CULTURAL HERITAGE ACT OF 2009", AS AMENDED BY REPUBLIC ACT NO. 11961, UNDER SECTIONS 4 AND 5 THEREOF, INCLUDING THEIR SETTINGS OR BUFFER ZONES.**

THESE SHALL BE COLLECTIVELY REFERRED TO HEREIN AS "CULTURALLY SIGNIFICANT SITES", AND SHALL BE GOVERNED PRIMARILY BY THE NATIONAL CULTURAL HERITAGE ACT, AND THIS NATIONAL BUILDING CODE SHALL BE APPLIED AND INTERPRETED IN A WAY THAT PROMOTES THE CONSERVATION OF CULTURAL HERITAGE.

xxx

SECTION 213A. PROFESSIONAL DISCIPLINE

WITHOUT PREJUDICE TO THE IMPOSITION OF ADMINISTRATIVE FINES OR PENALTIES, ANY BUILDING PROFESSIONAL MAY BE SUBJECT TO DISCIPLINARY ACTION FOR VIOLATIONS OF THIS CODE UNDER OR BY THEIR RESPECTIVE PROFESSIONAL REGULATORY BOARDS FOR VIOLATION OF THE PROFESSION'S CODE OF ETHICS OR STANDARDS OF PRACTICE.

xxx

SECTION 215. Abatement of Dangerous Buildings

When any building or structure is found or declared to be dangerous or ruinous, the Building Official shall order its repair, vacation or demolition depending upon the degree of danger to life, health, or safety. This is without prejudice to further action that may be taken under the provisions of Articles 482 and 694 to 707 of the Civil Code of the Philippines.

PROVIDED, HOWEVER, THAT NO BUILDING OFFICIAL SHALL ALLOW THE DEMOLITION OF OR IN CULTURALLY SIGNIFICANT SITES WITHOUT FIRST REPORTING THE SAME TO, AND ALLOWING FOR THE INSPECTION BY, A DULY AUTHORIZED OFFICIAL OF THE NCCA. CONSIDERING THE PARTICULAR EXPERTISE OF THE NCCA AS REGARDS THE CULTURAL VALUE AND THE TECHNICAL FEASIBILITY OF RECONSTRUCTION AND SUPPORT, THE FINDINGS OF THE NCCA SHALL BE CONCLUSIVELY PRESUMED TO BE REASONABLE AND DETERMINED IN GOOD FAITH UNLESS PROVEN OTHERWISE.

xxx

SECTION 302A. APPLICATION FOR PERMITS FOR CULTURALLY SIGNIFICANT SITES

IN ADDITION TO THE REQUIREMENTS OF THE PRECEDING SECTION, THE ARCHITECT RESPONSIBLE FOR THE PREPARATION OF PLANS AND SPECIFICATIONS SHALL PROVIDE A SIGNED, SEALED AND NOTARIZED STATEMENT OF HERITAGE COMPLIANCE AS PROVIDED UNDER SECTION 2103 BELOW.

- SECTION 303. Processing of Building Permits

The processing of building permits shall be under the overall administrative control and supervision of the Building Official and his technical staff of qualified professionals.

In processing an application for a building permit, the Building Official shall see to it that the applicant satisfies and conforms with approved standard requirements on zoning and land use, lines and grades, structural design, sanitary and sewerage, environmental health, electrical

and mechanical safety as well as with other rules and regulations promulgated in accordance with the provisions of this Code.

AS A GENERAL RULE, IN RELATION TO CULTURALLY SIGNIFICANT SITES, THE BUILDING OFFICIAL SHALL ACCORD THE BUILDING THE GREATEST LATITUDE IN COMPLYING WITH APPROVED STANDARD REQUIREMENTS AND OTHER RULES AND REGULATIONS, ENSURING REASONABLE MEASURES FOR THE HEALTH AND SAFETY OF THE USERS OF THE BUILDING ARE ADOPTED, IN A MANNER THAT CONSERVES THE CULTURAL SIGNIFICANCE OF THE SITE, CONSISTENT WITH THE DULY-APPROVED PLANS FROM THE NCCA.

xxx

SECTION 308. Inspection and Supervision of Work

The owner of the Building who is issued or granted a building permit under this Code shall engage the services of a duly licensed architect or civil engineer to undertake the full time inspection and supervision of the construction work.

Such architect or civil engineer may or may not be the same architect or civil engineer who is responsible for the design of the building.

It is understood however that in either case, the designing architect or civil engineer is not precluded from conducting inspection of the construction work to check and determine compliance with the plans and specifications of the building as submitted.

There shall be kept at the jobsite at all times a logbook wherein the actual progress of construction including tests conducted, weather conditions and other pertinent data are to be recorded.

Upon completion of the construction, the said licensed architect or civil engineer shall submit the logbook, duly signed and sealed, to the Building Official. He shall also prepare and submit a Certificate of Completion of the project stating that the construction of building conforms to the provisions of this Code as well as with the approved plans and specifications.

FOR OR IN CULTURALLY SIGNIFICANT SITES, THE LICENSED ARCHITECT OR CIVIL ENGINEER SHALL ISSUE A STATEMENT OF HERITAGE COMPLIANCE AS PROVIDED UNDER SECTION

2103 TOGETHER WITH THE CERTIFICATE OF COMPLETION AND AS A REQUIREMENT FOR THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

xxx

SECTION 506. Restrictions on Existing Buildings

Existing buildings or structures in fire zones that do not comply with the requirements for a new building erected therein shall not hereafter be enlarged, altered, remodeled, repaired or moved except as follows:

- a. Such building is entirely demolished;
- b. Such building is to be moved outside the limits of the more highly restrictive Fire Zone to a zone where the building meets the minimum standards;
- c. Changes, alterations and repairs may be made provided that in any 12-month period, the value of the work does not exceed twenty percent of the value of the existing building, and provided that, such changes do not add additional combustible material, and do not, in the opinion of the Building Official, increase the fire hazard;
- d. Additions thereto are separated from the existing building by fire walls, as set forth in Sub-section 604 (b);
- e. Damage from fire or earthquake, typhoons or any fortuitous event may be repaired, using the same kind of materials of which the building or structure was originally constructed, provided that, the cost of such repair shall not exceed twenty percent of the replacement cost of the building or structure.
- f. **SUCH BUILDING IS OR IN A CULTURALLY SIGNIFICANT SITE, IN WHICH CASE ITS ENLARGEMENT, ALTERATION, REMODELLING, REPAIR, OR MOVEMENT SHALL BE DULY APPROVED BY THE NCCA.**

xxx

SECTION 1108. Demolition

- a. The work of demolishing any building shall not be commenced until all the necessary pedestrian protective structures are in place.
- b. The Building Official ~~may~~ **SHALL** require the permittee to submit plans, specifications and complete schedule of demolition, **INCLUDING THE SUBMISSION OF A STATEMENT OF HERITAGE COMPLIANCE, AS PROVIDED UNDER SECTION 2103.** ~~When so required,~~ no work shall be done until such plans, specifications and schedule are approved by the Building Official.

xxx

SECTION 1201. General Requirements

Buildings proposed for construction shall comply with all the regulations and specifications herein set forth governing quality, characteristics and properties of materials, methods of design and construction, type of occupancy and classification.

All other matters relative to the structural design of all buildings and other structures not provided for in this Chapter shall conform with the provisions of the National Structural Code of Buildings, as adopted and promulgated by the Board of Civil Engineering pursuant to Republic Act Number 544, as amended, otherwise known as the "Civil Engineering Law".

CONSTRUCTION ON OR IN CULTURALLY SIGNIFICANT SITES SHALL BE SUBJECT TO SPECIFIC REGULATIONS DULY ADOPTED JOINTLY BY THE NCCA AND THE SECRETARY. IN THE INTERIM, EXISTING RULES, REGULATIONS, AND GUIDELINES OF THE NCCA OR THE OTHER CULTURAL AGENCIES SHALL BE APPLIED.

xxx"

SEC. 2. Presidential Decree No. 1096, is further amended by the insertion of a new Chapter 21, which reads as follows:

"CHAPTER 21

HERITAGE CONSERVATION

SECTION 2101. HERITAGE REFERRAL CODE

IN RELATION TO SECTION 203 (3), THE SECRETARY AND THE NCCA, SHALL DRAFT A REFERRAL CODE TO FURTHER DEFINE AND REGULATE THE APPLICATION OF THIS CODE AND OTHER

POLICIES, PLANS, STANDARDS, AND GUIDELINES IN RELATION TO CULTURALLY SIGNIFICANT SITES. PRIOR TO THE ADOPTION OF A HERITAGE REFERRAL CODE, THE EXISTING RULES, REGULATIONS, AND GUIDELINES OF THE CULTURAL AGENCIES SHALL APPLY TO CULTURALLY SIGNIFICANT SITES.

SECTION 2102. PRECAUTIONARY PRINCIPLE

IN THE ABSENCE OF ANY SPECIFIC DECLARATION OR ORDER TO THE CONTRARY REGARDING A SPECIFIC CULTURALLY SIGNIFICANT SITE, IT SHALL BE THE DUTY OF THE BUILDING OFFICIAL TO ACT WITH UTMOST CAUTION IN IMPLEMENTING OR ALLOWING ANY ACT THAT MAY EXPOSE ANY CULTURALLY SIGNIFICANT SITE TO RISK OR DAMAGE.

SECTION 2103. STATEMENT OF HERITAGE COMPLIANCE

A STATEMENT OF HERITAGE COMPLIANCE IS A SIGNED, SEALED, AND NOTARIZED STATEMENT ISSUED:

- a. AS AN INCIDENT TO THE APPLICATION FOR A BUILDING PERMIT, BY THE ARCHITECT PREPARING THE PLANS AND SPECIFICATIONS THAT:**
 - i. THE BUILDING IS NOT OR NOT IN A CULTURALLY SIGNIFICANT SITE, AND THEY HAVE, AT THE MINIMUM, EXAMINED THE PHILIPPINE REGISTRY OF HERITAGE AND UTILIZED THEIR PROFESSIONAL EDUCATION AND TRAINING IN MAKING SUCH AN ASSESSMENT, OR**
 - ii. THE BUILDING IS OR IN A CULTURALLY SIGNIFICANT SITE, THEY HAVE SECURED THE APPROPRIATE CLEARANCES AND APPROVALS FROM THE NCCA AND RELEVANT GOVERNMENT AGENCIES, AND ATTACH SUCH CLEARANCES AND DULY-APPROVED PLANS.**

IN CASE OF ANY DOUBT AS TO THE STATUS OF ANY PARTICULAR BUILDING OR SITE, ESPECIALLY THOSE WHICH MAY FALL UNDER SECTION 5 OF RA 10066/11961, THE ARCHITECT IS ADVISED TO SECURE A CLEARANCE FROM THE NCCA.

- b. AS AN INCIDENT TO SECURING A CERTIFICATE OF OCCUPANCY, OR OTHER SIMILAR CERTIFICATE OR PERMIT THAT MAY BE ISSUED BY THE BUILDING OFFICIAL, BY BUILDING PROFESSIONAL RESPONSIBLE FOR IMPLEMENTING DULY-APPROVED PLANS FOR OR IN A CULTURALLY SIGNIFICANT SITE, THAT THEY HAVE IMPLEMENTED THE DULY-APPROVED PLANS TO THE BEST OF THEIR PROFESSIONAL KNOWLEDGE AND ABILITY IN A MANNER THAT CONSERVES THE SIGNIFICANCE OF THE SITE.

SECTION 2104. ADDITIONAL REQUIREMENTS

THE FOLLOWING SHALL BE ADDITIONAL REQUIREMENTS IN APPLICATIONS FOR BUILDING PERMITS:

1. A HERITAGE IMPACT ASSESSMENT (HIA) ON OR IN GRADE I LEVEL CULTURAL PROPERTIES UNDER SECTION 4 OF RA 10066/11961, UNLESS THE PROPERTY ALREADY HAS A DULY-APPROVED CONSERVATION MANAGEMENT PLAN (CMP) AND THE BUILDING ACTIVITIES ARE BEING CONDUCTED TO IMPLEMENT SAID CMP.
2. AN ARCHAEOLOGICAL IMPACT ASSESSMENT (AIA) IN CULTURALLY CRITICAL AREAS, WHICH FOR PURPOSES OF THIS CODE, SHALL INCLUDE:
 - a. DECLARED HERITAGE ZONES
 - b. DECLARED ARCHAEOLOGICAL SITES

SECTION 2105. INSPECTION OF CULTURALLY SIGNIFICANT SITES

THE BUILDING OFFICIAL, PARTICULARLY FOLLOWING CALAMITIES SUCH AS EARTHQUAKES, TYPHOONS, FIRES, AND OTHER SIMILAR EVENTS, IS AUTHORIZED TO INSPECT CULTURALLY SIGNIFICANT SITES, AND IN THE EVENT OF DAMAGE, MAY RECOMMEND APPROPRIATE ACTIONS TO THE OWNER OR ADMINISTRATOR OF THE BUILDING, AND SHALL NOTIFY THE NCCA OF THEIR ASSESSMENT AND RECOMMENDATIONS.

SECTION 2106. GOVERNMENT PROJECTS

PLANS FOR ANY GOVERNMENT PROJECT THAT MAY AFFECT THE INTEGRITY OF ANY CULTURALLY SIGNIFICANT SITE, MUST BE SUBMITTED TO THE NCCA FOR COMMENT. THE NCCA SHALL INFORM THE PROJECT PROPONENT WITHIN SIXTY (60) DAYS IF THE PROJECT, OR ANY COMPONENT OF THE PROJECT, MAY BE IN VIOLATION OF R.A. NO. 10066/11961 AND/OR OTHER CULTURAL LAWS. THE PROJECT PROPONENT SHALL COORDINATE WITH THE COMMISSION TO ADJUST PLANS IN ORDER TO AVOID THE SAID VIOLATIONS, IF ANY.

SECTION 2107. INCLUSION OF CULTURAL PROPERTIES IN PLANNING.

CITIES AND MUNICIPALITIES SHALL INCLUDE A SECTION ON CULTURAL PROPERTIES IN THEIR RESPECTIVE COMPREHENSIVE LAND USE PLANS (CLUP) AND ZONING ORDINANCES. IT SHALL ALSO INCLUDE PROVISIONS TO ESTABLISH, MAINTAIN AND RESPECT OPEN SPACES, ARCHITECTURAL AND DESIGN LIMITATIONS, DEVELOPMENT AND HEIGHT RESTRICTIONS, AND BUFFER ZONES, TO RESPECT AND PRESERVE CULTURAL PROPERTIES AND PARKS AND PROTECTED AREAS.”

SEC. 3. The current Chapter 21 of Presidential Decree No. 1096 is hereby renumbered as Chapter 22, and its Sections renumbered accordingly:

“CHAPTER ~~21~~ 22

TRANSITORY AND FINAL PROVISIONS

SECTION ~~2101~~ 2201. Existing Building and Structures

All buildings or structures constructed under R.A. 6541 or existing city or municipal building codes or ordinances, if legally done in accordance therewith, shall be respected subject to such limitations established in this Code.

However, alterations, additions, conversions and/or repairs to be made in such buildings or structures shall be subject to the provisions of this Code **AND, WHERE APPROPRIATE, THE NATIONAL CULTURAL HERITAGE ACT OF 2009 AS AMENDED.**

xxx"

SEC. 4. *Implementing Rules and Regulations.* — Within sixty (60) days from the effectivity of this Act, the Department of Public Works and Highways (DPWH) shall, in coordination with concerned agencies of the government, promulgate the necessary rules and regulations for the proper implementation of this Act.

SEC. 5. *Separability Clause.* — Should any portion or provision of this Act be declared unconstitutional, the same shall not affect the validity and effectivity of the other portions or provisions hereof not affected thereby.

SEC. 6. *Repealing Clause.* — All other laws, presidential decrees, executive orders, and rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 7. *Effectivity.* — This Act shall take effect after fifteen (15) days following the completion of its publication in the Official gazette or in a newspaper of general circulation.

Approved,