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REPUBLIC ACT NO. 10066

AN ACT PROVIDING FOR THE PROTECTION AND CONSERVATION OF THE NATIONAL CULTURAL HERITAGE, STRENGTHENING THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS (NCCA) AND ITS AFFILIATED CULTURAL AGENCIES, AND FOR OTHER PURPOSES

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

Section 1. Short Title. - This Act shall be known as the "National Cultural Heritage Act of 2009".

ARTICLE I
POLICIES AND PRINCIPLES

Section 2. Declaration of Principles and Policies. - Sections 14, 15, 16 and 17, Article XIV of the 1987 Constitution declare that the State shall foster the preservation, enrichment and dynamic evolution of a Filipino culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression. The Constitution likewise mandates the State to conserve, develop, 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.

In the pursuit of cultural preservation as a strategy for maintaining Filipino identity, this Act shall pursue the following objectives:

- (a) Protect, preserve, conserve and promote the nation's cultural heritage, its property and histories, and the ethnicity of local communities;
- (b) Establish and strengthen cultural institutions; and
- (c) Protect cultural workers and ensure their professional development and well-being.

The State shall likewise endeavor to create a balanced atmosphere where the historic past coexists in harmony with modern society. It shall approach the problem of conservation in an integrated and holistic manner, cutting across all relevant disciplines and technologies. The State shall further administer the heritage resources in a spirit of stewardship for the inspiration and benefit of the present and future generations.

ARTICLE II
DEFINITION OF TERMS

Section 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.
- (b) "Anthropological area" shall refer to any place where studies of specific ethno-linguistic groups are undertaken, the properties of which are of value to our cultural heritage.
- (c) "Antique" shall refer to a cultural property found locally which is one hundred (100) years in age, more or less, the production of which has ceased.
- (d) "Archaeological area" shall refer to any place, whether above or under ground, underwater or at sea level, containing fossils, artifacts and other cultural, geological, botanical, zoological materials which depict and document culturally relevant paleontological, prehistoric and/or historic events.
- (e) "Archives" shall refer to public and private records in any format which have been selected for permanent preservation because of their evidential, historical informational value; otherwise known as archival materials collections or archival holdings; the place (building/room/storage area) where archival materials are kept and preserved; and an organization or agency or part thereof whose main responsibility is to appraise, arrange, describe, conserve, promote and make archival materials available for reference and research, also known as archival agency.
- (f) "Built heritage" shall refer to architectural and engineering structures such as, but not limited to, bridges, government buildings, houses of ancestry, traditional dwellings, quartels, train stations, lighthouses, small ports, educational, technological and industrial complexes, and their settings, and landscapes with notable historical and cultural significance.
- (g) "Collector" shall refer to any person who or institution that acquires cultural property for purposes other than sale.
- (h) "Commission" shall refer to the National Commission for Culture and the Arts (NCCA).
- (i) "Conservation" shall refer to all the processes and measures of maintaining the cultural significance of a cultural property including, but not limited to, preservation, restoration, reconstruction, protection, adaptation or any combination thereof.
- (j) "Cultural agencies" shall refer to the following national government agencies with their specific areas of responsibility: National Museum (cultural property); the National Library (books); National Historical Institute (Philippine history); National Archives (documents); Cultural Center of the Philippines (culture and the arts); and Komisyon sa Wikang Filipino (language).
- (k) "Cultural education" shall refer to the teaching and learning of cultural concepts and processes.
- (l) "Cultural heritage" shall refer to the totality of cultural property preserved and developed through time and passed on to posterity.
- (m) "Cultural heritage worker" shall refer to an individual undertaking cultural heritage work.
- (n) "Cultural institution" shall refer to entities engaged primarily in cultural work.
- (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.

(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.

(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.

(r) "History" shall refer to a written record of past events relating to Philippine history.

(s) "Historical landmarks" shall refer to sites or structures that are associated with events or achievements significant to Philippine history as declared by the National Historical Institute.

(t) "Historical monuments" shall refer to structures that honor illustrious persons or commemorate events of historical value as declared by the National Historical Institute.

(u) "Historical shrines" shall refer to historical sites or structures hallowed and revered for their history or association as declared by the National Historical Institute.

(v) "Historical street name" shall refer to a street name which has been in existence for at least fifty (50) years and over time has been considered historic.

(w) "Important cultural property" shall refer to a cultural property having exceptional cultural, artistic and historical significance to the Philippines, as shall be determined by the National Museum and/or National Historical Institute.

(x) "Intangible cultural heritage" shall refer to the practices, representations, expressions, knowledge and skills, as well as the instruments, objects and artifacts associated therewith, that communities, groups and individuals recognize as part of their cultural heritage, such as: (1) oral traditions, languages and expressions; (2) performing arts; (3) social practices, rituals and festive events; (4) knowledge and practices concerning nature and the universe; and (5) traditional craftsmanship.

(y) "Intangible cultural property" shall refer to the peoples' learned processes along with the knowledge, skills and creativity that inform and are developed by them, the products they create and the resources, spaces and other aspects of social and natural context necessary for their sustainability.

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

(aa) "Museum" shall refer to a permanent institution that researches, acquires, conserves, communicates and exhibits the material evidence of humans and their environment for purposes of education or leisure.

(bb) "National cultural treasure" shall refer to a unique cultural property found locally, possessing outstanding historical, cultural, artistic and/or scientific value which is highly significant and important to the country and nation, and officially declared as such by pertinent cultural agency.

(cc) "Nationally significant" shall refer to historical, aesthetic, scientific, technical, social and/or spiritual values that unify the nation by a deep sense of pride in their various yet common identities, cultural heritage and national patrimony.

(dd) "Natural property of cultural significance" shall refer to areas possessing outstanding ecosystem with flora and fauna of national scientific importance under the National Integrated Protected Areas System.

(ee) "NCCA Portal Cultural Databank" refers to the specific domain in the Commission's intranet for cultural information that is accessed only internally with control and confidentiality. It includes the registry of national cultural property.

(ff) "Prehistory" shall refer to the period of human history before the introduction of the forms of writing.

(gg) "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.

(hh) "Restoration" shall refer to the action taken or the technical intervention to correct deterioration and alterations.

(ii) "Tangible cultural property" shall refer to a cultural property with historical, archival, anthropological, archaeological, artistic and architectural value, and with exceptional or traditional production, whether of Philippine origin or not, including antiques and natural history specimens with significant value.

ARTICLE III CULTURAL PROPERTY

Section 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.

Section 5. Cultural Property Considered Important Cultural Property. - For purposes of protecting a cultural property against exportation, modification or demolition, the following works shall be considered important cultural property, unless declared otherwise by the pertinent cultural agency:

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.

The property owner may petition the appropriate cultural agency to remove the presumption of important cultural property which shall not be unreasonably withheld.

Section 6. *World Heritage Sites.* - The appropriate cultural agency shall closely collaborate with the United Nations Educational Scientific and Cultural Organization (UNESCO) National Commission of the Philippines in ensuring the conservation and management of world heritage sites, of cultural and mixed sites category, in the Philippines.

Section 7. *Privileges for Cultural Property.* - All cultural properties declared as national cultural treasures and national historical landmarks, sites or monuments shall be entitled to the following privileges:

- (a) Priority government funding for protection, conservation and restoration;
- (b) Incentive for private support of conservation and restoration through the Commission's Conservation Incentive Program for national cultural treasures;
- (c) An official heritage marker placed by the cultural agency concerned indicating that the immovable cultural property has been identified as national cultural treasures and/or national historical landmarks, sites or monuments; and
- (d) In times of armed conflict, natural disasters and other exceptional events that endanger the cultural heritage of the country, all national cultural treasures or national historical landmarks, sites or monuments shall be given priority protection by the government.

All cultural properties declared as important cultural property may also receive government funding for its protection, conservation and restoration. An official heritage marker shall likewise be placed on an immovable cultural property to identify the same as important cultural property.

Section 8. *Procedure for Declaration, or Delisting of National Cultural Treasures or Important Cultural Property.* - The procedure in declaring as well as in delisting a national cultural property or an important cultural property shall be as follows:

- (a) A declaration or a delisting of a cultural property as a national cultural treasure or an important cultural property shall commence upon the filing of a petition by the owner, stakeholder or any interested person, with the Commission, which shall refer the matter to the appropriate cultural agency;
- (b) Upon verification of the suitability of the property as a national cultural treasure or an important cultural property, the cultural agency concerned shall send notice of hearing to the owner and stakeholders. Stakeholders including, but not limited to, local government units, local culture and arts council, local tourism councils, nongovernment conservation organizations, and schools, may be allowed to file their support or opposition to the petition;

(c)The owner and/or other stakeholders shall file their position paper within fifteen (15) days from receipt of the notice of hearing, furnishing all the parties, including the appropriate cultural agency, with such position paper. Extensions may be allowed, but in no case shall it exceed more than thirty (30) days;

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

(e)The appropriate cultural agency shall have a maximum of ninety (90) days from the deadline of the submission of all the answers within which to submit its resolution and render its decision on the application.

Section 9. *Right of First Refusal on the Sale of National Cultural Treasures.* - The appropriate cultural agency shall be given the right of first refusal in the purchase of cultural properties declared as national cultural property. Prior to the finality of the sale, the appropriate cultural agency may likewise match any offer made for the purchase of national cultural property.

Section 10. *Licensing of Dealers of Cultural Property.* - All dealers of cultural property shall secure a license to operate as such from the appropriate cultural agency concerned. They shall submit a quarterly inventory of items carried which shall include a history of each item. Failure to submit two (2) consecutive inventories shall be a ground for cancellation of the license. All dealers of cultural property shall be subject to inspection by the concerned cultural agencies.

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

Section 11. *Dealings of Cultural Property.* - No cultural property shall be sold, resold or taken out of the country without first securing a clearance from the cultural agency concerned. In case the property shall be taken out of the country, it shall solely be for the purpose of scientific scrutiny or exhibit.

ARTICLE IV HERITAGE ZONES

Section 12. *Designation of Heritage Zones.* - The National Historical Institute and the National Museum, in consultation with the Commission and the Housing and Land Use Regulatory Board or other concerned agencies, shall designate heritage zones to protect the historical and cultural integrity of a geographical area.

Section 13. *Maintenance of Heritage Zones.* - A heritage zone shall be maintained by the local government unit concerned, in accordance with the following guidelines:

(a)Implementation of adaptive reuse of cultural property;

(b)Appearance of streets, parks, monuments, buildings, and natural bodies of water, canals, paths and barangays within a locality shall be maintained as close to their appearance at the time the area was of most importance to Philippine history as determined by the National Historical Institute; and

(c)Local government units shall document and sustain all sociocultural practices such as, but not limited to, traditional celebrations, historical battles, recreation of customs, and the reenactment of battles and other local customs that are unique to a locality.

ARTICLE V REGISTRATION AND CONSERVATION OF CULTURAL PROPERTY

Section 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:

- (a) All cultural agencies concerned shall individually maintain an inventory, evaluation and documentation of all cultural properties declared according to their category and shall submit the same to the Commission. For cultural property declared as immovable cultural property, the appropriate cultural agency shall, after registration, give due notice to the concerned Registry of Deeds for annotation on the land titles pertaining to the same;
- (b) Local government units, through their cultural offices, shall likewise maintain an inventory of cultural property under its jurisdiction and shall furnish the Commission a copy of the same;
- (c) Both cultural agencies concerned and local government units shall continuously coordinate in making entries and in monitoring the various cultural properties in their respective inventory;
- (d) All government agencies and instrumentalities, government-owned and/or -controlled corporations and their subsidiaries, including public and private educational institutions, shall report their ownership and/or possession of such items to the pertinent cultural agency and shall register such properties within three (3) years from the effectivity of this Act;
- (e) Private collectors and owners of cultural property shall register such 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 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.

Section 15. *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 before the implementation of this Act, shall be undertaken through the appropriate cultural agency which shall supervise the same.

The appropriate cultural agency shall approve only those methods and materials that strictly adhere to the accepted international standards of conservation.

Section 16. *Documentation and Preservation of Traditional and Contemporary Arts.* - Local government units shall document traditional and contemporary arts and crafts, including their processes and makers, and sustain the sources of their raw materials. Local government units shall encourage and sustain traditional arts and crafts as active and viable sources of income for the community.

The Commission, the Department of Trade and Industry, the Department of Tourism and other government agencies involved directly or indirectly in the production of goods shall assist the local government units in protecting their traditional and contemporary arts and crafts, making them viable for current and future markets, with a view to encouraging and promoting the unique heritage and identities of said communities.

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 of this Act.

Section 17. *Systematic Research in Natural History.* - The National Museum shall have the authority to collect, maintain and develop the national reference collections of Philippine flora and fauna, rocks and minerals through research and field collection of specimens including important cultural property within the territorial jurisdiction of the Philippines. It shall be exempt from any and all permit systems regulating the same.

The National Museum shall inform the Department of Environment and Natural Resources and the Department of Agriculture of such collection. All types of specimen collected in the Philippine territory shall be deposited in the National Museum.

Section 18. *Heritage Agreements.* - The Commission, upon 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 terms and conditions including, but not limited to:

- (a) Public access to the property;
- (b) Value of the encumbrance;
- (c) Duration of the servitude of the property;
- (d) Restriction of the right of the owner or occupant to perform acts on or near the place;
- (e) Maintenance and management of the property;
- (f) Provision of financial assistance for the conservation of the property; and
- (g) Procedure for the resolution of any dispute arising out of the agreement.

Such agreement should be annotated in the land title to bind future owners and/or occupants of the immovable cultural property.

Section 19. *National Inventory of Intangible Cultural Heritage.* - The appropriate cultural agency shall closely collaborate with the UNESCO National Commission of the Philippines 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.

Section 20. *Immovable National Cultural Treasures.* - Immovable national cultural treasures shall not be relocated, rebuilt, defaced or otherwise changed in a manner, which would destroy the property's dignity and authenticity, except to save such property from destruction due to natural causes.

The site referred to in this provision may only be moved after securing a permit from the Commission or the appropriate cultural agency.

Section 21. *Indigenous Properties.* - The appropriate cultural agency, in consultation with the National Commission on Indigenous Peoples, shall establish a program and promulgate regulations to assist indigenous people in preserving their particular cultural and historical properties.

Section 22. *Renaming of Historical Streets, Buildings Designated as Cultural Treasure or Important Cultural Property.* - The names of historical streets, parks, buildings, shrines, landmarks, monuments and sites

designated as national cultural treasures or important cultural property shall not be allowed to be renamed by a local or national legislation, unless approved by the National Historical Institute, and only after due hearing on the matter. Furthermore, for changes of names done to historical streets, parks, buildings, shrines, landmarks, monuments, and sites prior to the effectivity of this Act, the National Historical Institute may direct the local government units to restore their original names, also after due hearing.

ARTICLE VI

REGULATING THE EXPORT, TRANSIT, IMPORT AND REPATRIATION OF CULTURAL PROPERTY

Section 23. *Export of Cultural Property.* - Whoever desires to export cultural property registered in the Philippine Registry of Cultural Property shall adhere to the following requirements:

- (a) Authorization from the Commission through the appropriate cultural agencies;
- (b) Application for export permit shall be submitted thirty (30) days before the intended export from the Philippines; and
- (c) Application for export permit must include the following: (1) the purpose of the temporary export; (2) the export date of the cultural property; (3) the repatriation date of the cultural property; (4) a description of the cultural property; and (5) the inventory of the cultural property in the Philippine Registry of Cultural Property.

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

Section 24. *Repatriation Claims and Agreements.* - Should the cultural property registered in the Philippine Registry of Cultural Property be illicitly exported from the country, the Department of Foreign Affairs shall, upon the recommendation of the appropriate cultural agency, claim the right of repatriation *vis-a-vis* all other contracting States. Any compensation and costs shall be carried by the Philippine government.

For the protection of cultural and foreign affairs interests and to secure cultural heritage, the Philippines may conclude international treaties with contracting States on the import and repatriation of cultural property subject to the following conditions:

- (a) The scope of the agreement must be cultural property of significant importance to the cultural heritage of the contracting States;
- (b) The cultural property must be subject to the existing export policies for the purpose of protecting cultural heritage; and
- (c) The contracting States shall grant reciprocal rights.

ARTICLE VII

POWERS OF THE COMMISSION/CULTURAL AGENCIES

Section 25. *Power to Issue a Cease and Desist Order.* - When the physical integrity of the national cultural treasures or important cultural properties are found to be in danger of destruction or significant alteration from its original state, the appropriate cultural agency shall immediately issue a Cease and Desist Order *ex parte* suspending all activities that will affect the cultural property. The local government unit which has the jurisdiction over the site where the immovable cultural property is located shall report the same to the appropriate cultural agency immediately upon discovery and shall promptly adopt measures to secure the integrity of such immovable cultural property. Thereafter, the appropriate cultural agency shall give notice to the owner or occupant of the cultural property and conduct a hearing on the propriety of the issuance of the Cease and Desist Order. The suspension of the activities shall be lifted only upon the written authority of the appropriate cultural agency after due notice and hearing involving the interested parties and stakeholders.

Section 26. Power to Issue Compulsory Repair Order. - When a privately-owned heritage site cannot be maintained by the owner or has fallen into disrepair through neglect to such an extent that it will lose its potential for conservation, the appropriate cultural agency may serve on the owner or occupant of such property an order to repair or maintain such site. If the owner fails to comply with the said order within thirty (30) to forty-five (45) days, repairs may be undertaken by the appropriate cultural agency funded by the Commission for the account of the owner.

Section 27. Visitorial Powers. - The cultural agencies concerned, through the Commission, are hereby given the power to inspect national cultural treasures, important cultural properties, and national historical landmarks, sites or monuments at any time to ensure the protection and integrity of such. They may also inspect public or private collections or objects that may be categorized as cultural property: *Provided*, That in the case of private collections or objects, the prior written consent of the owner shall be obtained.

Section 28. Power to Deputize Other Government Agencies. - The cultural agencies concerned, as well as the Commission, shall have the power to deputize the Philippine National Police, the National Bureau of Investigation, the Armed Forces of the Philippines, the Philippine Coast Guard, and other local or national law enforcement agencies, including the Bureau of Fisheries' agents, the Department of Environment and Natural Resources' rangers, the Bureau of Customs and the Bureau of Immigration agents, members of the Office of the Special Envoy on Transnational Crimes and other such agencies and their successors-in-interest, to enforce the provisions of this Act and its implementing rules and regulations. The said agencies shall immediately detail their respective personnel to protect the cultural items under the National Registry.

Failure to follow deputization order of the concerned cultural agency as well as the Commission shall be penalized in accordance with Section 49 herein.

Section 29. Power to Recover Cultural Properties. - The Commission is empowered to recover or retrieve cultural properties which are under the custody of foreign nationals or entities and to bring these properties back to Philippine custody.

Section 30. Anthropological Research and Archaeological Exploration/Excavation. -

(a) The National Museum, with respect to cultural/archaeological/anthropological matters, and the National Historical Institute, with respect to historical anthropological matters, shall regulate and control all anthropological research conducted by foreigners; and all archaeological excavation or exploration. Pursuant to the foregoing, the National Museum or the National Historical Institute shall deputize other agencies to protect archaeological and anthropological sites. It shall be guided by the following rules:

(1) All cultural properties found in terrestrial and/or underwater archaeological sites belong to the State;

(2) No terrestrial and/or underwater archaeological explorations and excavations for the purpose of obtaining materials and data of cultural value shall be undertaken without written authority and direct site supervision by archaeologists and/or representatives of the National Museum;

(3) All anthropological researches, for the purpose of obtaining materials and data of cultural value and where the principal proponent is a foreign national, shall be undertaken only with the authority and under the supervision of the National Museum or the National Historical Institute. Anthropological research by Philippine nationals, especially members of the indigenous communities, shall be encouraged;

(4) Archaeological or anthropological materials presumed as important cultural property shall be allowed to leave the country only upon proper evaluation and written permission of the National Museum or the National Historical Institute;

(5) All explorations and excavations undertaken, wherein the caves, rock shelters and their vicinities may have been used in the prehistoric past by man either for habitation, religious and/or sacred and burial purposes all over the country, shall be under the direct jurisdiction and supervision of archaeologists and/or other experts of the National Museum;

(6) All mining activities inside caves, rock shelters and any such other areas shall require a written permit and clearance from the National Museum. An appropriate prior inspection by representatives of the National Museum, funded by the company applying for a mining right, shall be required to ensure that no archaeological materials are present and destroyed;

(7) Excavations in caves, rock shelters and other areas by laymen are prohibited by this Act. All earth-moving activities in these areas must have the proper permit and clearance from the National Museum and monitored by their representatives;

(8) All treasure hunting permits and licenses shall be issued by the National Museum, which shall formulate the rules and regulations to adequately control, regulate and monitor all applicants for such undertakings; and 20

(9) The provisions of this Act on explorations and excavations of terrestrial and underwater archaeological sites shall supersede all local, municipal, regional and autonomous regional governments' resolutions and ordinances.

(b) When the presence of any cultural or historical property is discovered, the National Museum or the National Historical Institute shall immediately suspend all activities that will affect the site and shall immediately notify the local government unit having jurisdiction of the place where the discovery was made. The local government shall promptly adopt measures to protect and safeguard the integrity of the cultural property so discovered and, within five (5) days from the discovery, shall report the same to the appropriate agency. The suspension of these activities shall be lifted only upon the written authority of the National Museum or the National Historical Institute and only after the systematic recovery of the archaeological materials.

(c) The Commission, upon the recommendation of the appropriate cultural agency, shall provide incentives for persons who discover and report heretofore unknown archaeological sites, in accordance with its rules and regulations implementing the provisions of this Act.

(d) Any government or nongovernment infrastructure project or architectural site development shall include anthropological, archaeological and historical and heritage site conservation concerns in their Environmental Impact Assessment System.

ARTICLE VIII ROLE OF CULTURAL AGENCIES

Section 31. Responsibilities of Cultural Agencies for Designation of Cultural Property. - The cultural agencies, in conformity with their respective charters and mandates, shall define and delineate their respective areas of responsibility with respect to cultural property and assessment of national cultural treasures and national historical landmarks, sites or monuments. These areas shall be subject to periodic re-assessment whenever necessary.

For purposes of this Act, the following shall be the responsibilities of cultural agencies in the categorization of cultural property:

(a) The Cultural Center of the Philippines shall be responsible for significant cultural property pertaining to the performing arts;

(b) The National Archives of the Philippines shall be responsible for significant archival materials;

(c)The National Library shall be responsible for rare and significant contemporary Philippine books, manuscripts such as, but not limited to, presidential papers, periodicals, newspapers, singly or in collection, and libraries and electronic records;

(d)The National Historical Institute shall be responsible for significant movable and immovable cultural property that pertains to Philippine history, heroes and the conservation of historical artifacts;

(e)The National Museum shall be responsible for significant movable and immovable cultural and natural property pertaining to collections of fine arts, archaeology, anthropology, botany, geology, zoology and astronomy, including its conservation aspect; and

(f)The Komisyon sa Wikang Filipino shall be responsible for the dissemination development, and the promotion of the Filipino national language and the conservation of ethnic languages.

Section 32. Institutional Linkages of the National Cultural Agencies. - The cultural agencies and other national government agencies, as listed below, shall consult, coordinate and work closely with the Commission in the implementation of their respective programs/projects in the context of this Act. Furthermore, the Commission may link up with other agencies and institutions, as it may deem appropriate, as a way of dealing with conservation in a holistic manner:

(a)The Department of Tourism and its attached agencies which shall be responsible for cultural education among tourism services, and protection of cultural properties supplemental to the jurisdiction of the cultural agencies as defined in this Act. The implementation and creation of a tourism master plan shall be consistent with this Act;

(b)The Intramuros Administration which shall be responsible for the restoration and administration of the development in Intramuros;

(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;

(d)The Department of Education which shall be responsible in instituting the governance of basic education act, and the conservation and restoration of its built heritage such as the significant Gabaldon school buildings as determined by the National Historical Institute;

(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;

(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;

(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;

(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;

(i)The Office on Muslim Affairs which shall coordinate with the national cultural agencies on matters pertaining to cultural properties under its jurisdiction;

(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;

(k)The Housing and Land Use Regulatory Board which shall coordinate with the local government units and the Commission on matters pertaining to the establishment and maintenance of heritage zones;

(l)The Autonomous Region in Muslim Mindanao and the Cordillera Administrative Region which shall coordinate with the national cultural agencies on matters pertaining to cultural properties under their respective jurisdictions; and

(m)The Office of the Special Envoy on Transnational Crimes which shall have the oversight and operational capacity to go after illicitly trafficked and stolen cultural treasures.

Section 33. *Incorporation of Cultural Property Programs in Local Government Units' Budgets.* - The local government units are encouraged to incorporate programs and budgets for the conservation and preservation of cultural property in their environmental, educational and cultural activities.

Section 34. *Training Programs.* - The Commission, in coordination with the appropriate cultural agencies, shall provide general training programs on conservation to the local government units which have established cultural heritage programs and projects in their localities.

ARTICLE IX CULTURAL PROPERTY INCENTIVES PROGRAM

Section 35. *Tax Exemption on Donations.* - All donations in any form to the Commission and its affiliated cultural agencies shall be exempt from the donor's tax and the same shall be considered as allowable deduction from the gross income in the computation of the income tax of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

Section 36. *National Heritage Resource Assistance Program.* - The Commission may provide financial assistance in the form of a grant to historic, archaeological, architectural, artistic organizations for conservation or research on cultural property. No grant made pursuant to this Act shall be treated as taxable income.

Section 37. *Awards and Citations.* - To encourage preservation of the national heritage, the Commission shall establish an annual conservation recognition program under which monetary prizes, awards and citations will be given by the President of the Philippines, upon the recommendation of the Commission, for special achievements and important contributions and services in the area of heritage preservation and conservation efforts.

ARTICLE X CULTURAL EDUCATION

Section 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, 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.

The Philippine Registry of Cultural Property shall likewise be incorporated into the formal, alternative and informal education by the provincial and local governments.

Section 39. Cultural Heritage Education Program. - Within one (1) year from the effectivity of this Act, 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 with emphasis at the provincial, city and municipal levels:

- (a) Protection, conservation and preservation of cultural heritage properties;
- (b) Instructional materials in print, film and broadcast media on the cultural and historical significance of cultural properties; and
- (c) Visitation, public accessibility and information dissemination on designated local cultural properties.

Section 40. Public Accessibility. - Access to national historical landmarks, monuments and sites, whether designated as national cultural treasures or important cultural property by the general public for visitation and information, and by government representatives for inspection, shall not be hindered except on reasonable cause. Fees, as prescribed by the cultural agency concerned, may in appropriate cases be charged to defray the cost of conservation, inclusive of general maintenance and upkeep. In the case of privately-owned monuments and sites, the National Historical Institute or the National Museum shall arrange with the owners the schedules of visits and regular inspection.

ARTICLE XI CULTURAL HERITAGE WORKERS' INCENTIVES PROGRAM

Section 41. Cultural Heritage Workers' Incentives. - The national cultural agencies, in coordination with the Commission on Higher Education, shall initiate scholarships, educational training programs and other measures to protect the well-being of curators, conservators, authenticators, cultural researchers or educators, historians, librarians, archivists and valuers/appraisers of cultural property. Such cultural workers shall be given grants, incentives and scholarships upon the endorsement by the head of the appropriate cultural agency:

(a) Program for Cultural Heritage Workers. - Within ninety (90) days from the effectivity of this Act, the Commission shall come up with the following:

- (1) An active roster of authenticators and valuers/ appraisers;
- (2) An education and training plan for conservators, authenticators, valuers/appraisers and other conservation- related workers; and
- (3) A general training plan on conservation for local government units.

(b) Application of Scientific Career Merit System. - Cultural heritage workers in the civil service with a doctorate, master of science, or master of arts degree in fields related to cultural heritage promotion and conservation shall be given the rank and benefits of scientists subject to qualifying standards equivalent to those prescribed in the scientific career merit system of the government.

A cultural heritage worker involved in science and technology in government agencies shall be eligible for the benefits under Republic Act No. 8439, or the "Magna Carta for Scientists, Engineers, Researchers and Other S & T Personnel in the Government". The Commission shall likewise establish a merit award system for non-civil service cultural heritage workers.

ARTICLE XII SENTRO RIZAL

Section 42. *Creation of Sentro Rizal.* - There is hereby created and established a Sentro Rizal whose main purpose is the promotion of Philippine arts, culture and language throughout the world.

Section 43. *Overseas Branches or Offices of Sentro Rizal.* - Sentro Rizal shall have branches or offices in countries where there are children of overseas Filipino workers who need to be educated about their roots, as well as developed countries where there are large Filipino communities.

The office or branch shall be repository, *inter alia*, of the following materials on Philippine arts, culture and language: books, digital video discs, compact discs, films, magazines, artworks, tourism promotion materials, information materials, etc. All these shall be made available to the public, both Filipino and foreign.

Section 44. *Coordination and Supervision with Philippine Schools.* - The Sentro Rizal shall coordinate and supervise the Philippine schools for Filipino children overseas.

Section 45. *Services Offered.* - The Sentro Rizal shall offer Filipino language courses for children and adults, as well as exhibits, small concerts, poetry reading, Philippine cuisine lessons in all Sentro Rizal branches.

Section 46. *Provision of Tourism, Trade and Investment Materials to the Sentro Rizal.* - The Department of Tourism, as well as the Department of Education, the National Commission on Culture and the Arts, the Commission on Higher Education, the National Historical Institute, the National Archives, the National Library, and the Cultural Center of the Philippines, shall provide tourism promotion materials to the *Sentro Rizal* overseas branches. In the same manner, the Department of Trade and Industry shall also provide trade and investments materials.

Section 47. *Appropriations.* - The amount of One hundred million pesos (P100,000,000.00) necessary to carry out the provisions of this Act shall be appropriated immediately to be generated from whatever source that are available in the National Treasury.

ARTICLE XIII PENAL PROVISIONS

Section 48. *Prohibited Acts.* - To the extent that the offense is not punishable by a higher punishment under another provision of law, violations of this Act may be made by whoever intentionally:

(a) Destroys, demolishes, mutilates or damages any world heritage site, national cultural treasures, important cultural property and archaeological and anthropological sites;

(b) Modifies, alters, or destroys the original features of or undertakes construction or real estate development in any national shrine, monument, landmark and other historic edifices and structures, declared, classified, and marked by the National Historical Institute as such, without the prior written permission from the Commission. This includes the designated security or buffer zone, extending five (5) meters from the visible perimeter of the monument or site;

(c) Explores, excavates or undertakes diggings for the purpose of obtaining materials of cultural historical value without prior written authority from the National Museum. No excavation or diggings shall be permitted without the supervision of a certified archaeologist;

(d) Appropriates excavation finds contrary to the provisions of the New Civil Code and other pertinent laws;

(e) Imports, sells, distributes, procures, acquires, or exports cultural property stolen, or otherwise lost against the will of the lawful owner;

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

(g) Deals in cultural property without proper registration and license issued by the cultural agency concerned.

Section 49. Penal Provisions. - Upon conviction, the offender shall be subject to a fine of not less than Two hundred thousand pesos (P200,000.00) or imprisonment for a term of not less than ten (10) years, or both, upon the discretion of the court: *Provided*, That any cultural property attempted to be concealed from registration or those intended to be encumbered or excavated in violation of this Act shall be summarily confiscated and forfeited in favor of the Commission: *Provided, further*, That if the violation is committed by a juridical person, the president, manager, representative, director, agent or employee of the said juridical person responsible for the act shall also be liable for the penalties provided herein: *Provided, furthermore*, That if the acts are committed by dealers, they shall suffer, in addition to the penalties provided herein, the automatic revocation of their license to operate: *Provided, finally*, That if the offender is an alien, he/she shall be placed under the custody of the Bureau of Immigration for the appropriate proceedings under this Act and shall be summarily deported after serving his/her sentence.

Heads of departments, commissions, bureaus, agencies or offices, officers and/or agents found to have intentionally failed to perform their required duty as prescribed by the deputization order under Section 28 of this Act shall be liable for nonfeasance and shall be penalized in accordance with applicable laws.

If the offense involves the nonregistration of a cultural property such as those referred to in Section 14, and the nonregistration occurs upon or after proper notification by the Commission or the cultural agency concerned, the offender shall be subject to a fine of not less than Ten thousand pesos (P10,000.00) but not more than One hundred thousand pesos (P100,000.00).

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

ARTICLE XIV ENDOWMENT

Section 50. National Endowment for Culture and the Arts. - The sum of Five hundred million pesos (P500,000,000.00) shall be contributed by the Philippine Amusement and Gaming Corporation (PAGCOR) and/or General Appropriations at the minimum rate of One hundred million pesos (P100,000,000.00) per year for five (5) years towards the establishment of a National Endowment for Culture and the Arts. Said amount shall be kept separate and deposited in a special account in the Bureau of Treasury specifically earmarked for culture and the arts.

ARTICLE XV FINAL PROVISIONS

Section 51. Implementing Rules and Regulations. - The Commission, in consultation with other government agencies mentioned in this Act, shall promulgate the implementing rules and regulations within ninety (90) days after the effectivity of this Act.

Section 52. Repealing Clause. - Pertinent provisions of Republic Act No. 7356, the "Law Creating the National Commission for Culture and the Arts"; Republic Act No. 8492, the "National Museum Act of 1998"; Republic Act No. 9072, the "National Caves and Cave Resources Management and Protection Act";

Republic Act No. 7942, the "Philippine Mining Act of 1995"; and all other laws, presidential decrees, executive orders and rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 53. *Separability Clause.* - Any portion or provision of this Act that may be declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof as long as such remaining provisions can still subsist and be given effect.

Section 54. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

(Sgd.) **PROSPERO C. NOGRALES**
Speaker of the House of Representatives

(Sgd.) **JUAN PONCE ENRILE**
President of the Senate

This Act which is a consolidation of Senate Bill No. 3014 and House Bill No. 6733 was finally passed by the Senate and the House of Representatives on December 14, 2009 and December 16, 2009, respectively.

(Sgd.) **EMMA LIRIO-REYES**
Secretary of Senate

(Sgd.) **MARILYN B. BARUA-YAP**
Secretary General
House of Representatives

Approved: **MAR 26 2010**

(Sgd.) **GLORIA MACAPAGAL-ARROYO**
President of the Philippines