HOUSE OF REPRESENTATIVES

H. No. 8829

BY REPRESENTATIVES LAGMAN, ROMULO, SUANSING (E.), LACSON-NOEL, ARENAS, VILLARICA AND LEGARDA, PER COMMITTEE REPORT NO. 774

AN ACT
PROTECTING THE PHYSICAL INTEGRITY OF A CULTURAL PROPERTY FROM ADVERSE VISUAL IMPACT AND PENALIZING ANY OBSTRUCTION TO ITS VIEW AND SIGHTLINE, 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 the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. — This Act shall be known as the “Cultural Property Sightline Act.”

SEC. 2. Declaration of Policy. — Article XIV, Section 15 of the Constitution declares that “the State shall conserve, promote and popularize the nation’s historical and cultural heritage and resources.” To this end, the State shall preserve, protect, and promote the nation’s historical and cultural heritage and the people’s artistic creations. To honor the great deeds of the country’s heroes and martyrs and the important milestones in the history of the nation, the State shall likewise protect historical monuments, shrines, and landmarks from development aggression and profit-motivated incursion.

SEC. 3. Article II, Section 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:

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(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] NATIONAL HISTORICAL SHRINES, MONUMENTS AND LANDMARKS, AS DECLARED BY THE NATIONAL HISTORICAL COMMISSION OF THE PHILIPPINES (NHCP);

X X X

X X X
(s) "NATIONAL [H]istorical 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] NHCP.

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

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

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(JJ) "VISUAL IMPACT" SHALL REFER TO ANY CHANGE IN THE APPEARANCE, VIEW OR GENERAL PERCEPTION BY MEANS OF SIGHT OF AN IMMOVABLE CULTURAL PROPERTY RESULTING FROM ANY DEVELOPMENT, EITHER TEMPORARY OR PERMANENT, REVERSIBLE OR IRREVERSIBLE, WHICH CAN BE CONSIDERED AS POSITIVE, BENEFICIAL, REHABILITATIVE OR COMPATIBLE, AS OPPOSED TO NEGATIVE, ADVERSE, DESTRUCTIVE OR INCOMPATIBLE, TO THE CULTURAL PROPERTY, TAKING INTO ACCOUNT, WHERE SUCH MAY BE FOUND TO BE APPLICABLE, CONSIDERATIONS AND CONCEPTS OF FOCAL DOMINANCE, VISUAL CONTEXT, VISUAL CATCHMENT, VIEWING CORRIDOR, SIGHTLINE AND SKYLINE, ASSESSED THROUGH DETERMINING THE PUBLIC'S APPRECIATION OF, AND INTERACTION WITH, THE CULTURAL PROPERTY RELATIVE TO THE SIGNIFICANCE GIVEN, OR HELD TO BE INTRINSIC TO IT AS OFFICIALLY DETERMINED AND ARTICULATED OR PROMOTED BY THE COMMISSION OR APPROPRIATE CULTURAL AGENCIES."

SEC. 4. Article V, Section 20 of R.A. 10066 is hereby amended, to read as follows:

"SEC. 20. Immovable National Cultural Treasures AND CULTURAL PROPERTY. — Immovable national treasures AND NATIONAL HISTORICAL LANDMARKS, SHRINES, MONUMENTS AND SITES AS DECLARED BY THE COMMISSION, THE APPROPRIATE CULTURAL AGENCY, OR BOTH, shall not be relocated, rebuilt, defaced or otherwise changed in a manner which would destroy, DIMINISH, OR NEGATIVELY AFFECT the property's SIGNIFICANCE, dignity, and authenticity, INCLUDING THROUGH ANY DEVELOPMENT THAT WOULD LEAD TO AN ADVERSE VISUAL IMPACT, except to save such property from destruction due to natural causes OR NATIONAL EMERGENCIES, AND WITH PRIOR APPROVAL FOR SUCH HIGHLY EXCEPTIONAL PURPOSES AS MAY BE DECLARED BY THE COMMISSION, THE APPROPRIATE CULTURAL AGENCY, OR BOTH."

SEC. 5. Article VII, Section 25 of R.A. 10066 is hereby amended, to read as follows:

"SEC. 25. Power to Issue a Cease and Desist Order. — When THE SIGNIFICANCE AND ESPECIALLY the physical integrity of national cultural treasures,
NATIONAL HISTORICAL LANDMARKS, SHRINES, MONUMENTS AND
SITES, or important cultural properties are found to be in danger of destruction or
[significant] SUBSTANTIVE alteration [from its original state], INCLUDING
THAT WHICH WOULD LEAD TO AN ADVERSE VISUAL IMPACT, THE
COMMISSION, the appropriate cultural agency, OR BOTH, 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] PROTECT THE SIGNIFICANCE AND [the] integrity of such immovable
cultural property. Thereafter, THE COMMISSION, the appropriate cultural agency,
OR BOTH, 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
COMMISSION, the appropriate cultural agency, OR BOTH, after due notice and
hearing involving the interested parties and stakeholders.”

SEC. 6. Article XIII, Section 48 of R.A. 10066 is hereby amended, to read as follows:

“SEC. 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, MODIFIES OR
PERMANENTLY AFFECTS IN ANY ADVERSE MANNER, INCLUDING
THROUGH VISUAL IMPACT, any CULTURAL PROPERTY CLASSIFIED AS
A UNESCO world heritage site, national cultural treasures, NATIONAL
HISTORICAL LANDMARK, SHRINE, MONUMENT AND SITE, important
cultural property, [and archaeological and anthropological sites] HISTORICALLY
MARKED STRUCTURE OR SITE, AND ANY TERRESTRIAL OR
UNDERWATER ARCHAEOLOGICAL SITE OR ANTHROPOLOGICAL SITE
AS MAY BE DECLARED OR DESIGNATED BY THE COMMISSION, THE
APPROPRIATE CULTURAL AGENCY, OR BOTH, WITHOUT PRIOR
AUTHORIZATION FROM ANY OF THEM. THIS INCLUDES A SECURITY OR
BUFFER ZONE WHICH SHALL EXTEND FIVE (5) METERS FROM THE
ESTABLISHED PERIMETER OR CORE ZONE OF THE CULTURAL
PROPERTY, IF NOT OTHERWISE PRESCRIBED RELATIVE TO A SPECIFIC
CULTURAL PROPERTY. THE APPROPRIATE SECURITY OR BUFFER ZONE
AS MAY BE ESTABLISHED BY THE COMMISSION, THE APPROPRIATE
CULTURAL AGENCY, OR BOTH, MAY BE EXTENDED TO AS FAR AS THE
VISIBLE HORIZON FROM APPROPRIATE VIEWING POINTS IF SUCH IS
FOUND NECESSARY TO PROTECT AND PRESERVE THE SIGNIFICANCE
AND INTEGRITY OF THE SPECIFIC CULTURAL PROPERTY FROM
ADVERSE VISUAL IMPACT;

(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;]

- 3 -
(B) AUTHORIZES OR ALLOWS THE CONSTRUCTION OF, OR
CONSTRUCTS, A BUILDING OR SIMILAR STRUCTURE THAT BECAUSE OF
ITS SIZE, DESIGN, PURPOSE, PROXIMITY OR ANY OTHER RELEVANT
CONSIDERATION CAUSES NEGATIVE OR ADVERSE VISUAL IMPACT ON
ANY CULTURAL PROPERTY ENUMERATED IN SECTION 48(a) OF THIS
ACT.

THE LOCAL GOVERNMENT UNIT, WHERE ANY SUCH CULTURAL
PROPERTY IS LOCATED, SHALL PASS AN ORDINANCE THAT PROVIDES
FOR THE PROTECTION AND PREVENTION OF ANY SUBSTANTIVE
ADVERSE VISUAL IMPACT THAT MIGHT ARISE FROM SUCH
CONSTRUCTION, INCORPORATING IN THE ORDINANCE THE
STIPULATIONS AND RECOMMENDATIONS TO BE MADE FOR THE
PURPOSE BY THE COMMISSION, THE APPROPRIATE CULTURAL
AGENCY, OR BOTH, REGARDING THE CULTURAL PROPERTY
CONCERNED. THE ORDINANCE SHALL LIKewise PROVIDE FOR
PENALTIES FOR VIOLATIONS THEREOF. ANY BUILDING OR STRUCTURE
THAT IS CONSTRUCTED IN VIOLATION OF THIS SECTION, IN WHATEVER
STAGE OF CONSTRUCTION, SHALL BE CONDEMNED, DEMOLISHED,
AND ABATED BY THE CONCERNED LOCAL GOVERNMENT UNIT AT THE
EXPENSE OF THE ENTITY OR ENTITIES RESPONSIBLE FOR THE
VIOLATION;’’

SEC. 7. Implementing Rules and Regulations. – Within sixty (60) days from the effectiveness
of this Act, the NCCA shall, in coordination with concerned cultural agencies of the government,
promulgate the necessary rules and regulations for the proper implementation of this Act.

SEC. 8. Separability Clause. – 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.

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

Approved,