



**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**  
**KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN**



**MEMORANDUM**

**FOR :** The Director  
Mines and Geosciences Bureau  
Biodiversity Management Bureau  
Environmental Management Bureau  
Forest Management Bureau

**FROM :** The OIC Director  
Policy and Planning Service

**SUBJECT :** **REQUEST FOR COMMENTS/CONCURRENCE TO THE DRAFT RIRR OF RA NO. 10066 OR THE NATIONAL CULTURAL HERITAGE ACT OF 2009 AS AMENDED BY RA NO. 11961**

**DATE :** 20 FEB 2024

This pertains to the letter of Mr. Victorino Mapa Manalo, Chair of the National Commission for Culture and the Arts, requesting for the concurrence of the DENR on the draft Revised Implementing Rules and Regulations of the amended National Cultural Heritage Act of 2009. Please be informed that the same has been reviewed and endorsed for concurrence by the Office of the Solicitor General last January 09, 2024. In this regard, may we request for your concurrence/additional comments if any to the draft IRR. For guidance, please refer to the following table of Sections where the DENR has been mentioned:

<b>SECTION</b>	<b>RESPONSIBLE OFFICE</b>	<b>COMMENTS</b>
<b>10. Categories</b> Natural properties of cultural significance covered by or located within Protected Area under the ENIPAS Act shall be categorized as Grade II Level	BMB	Accepted
<b>11. Jurisdiction</b> Cultural properties shall be under the jurisdiction of the following government agencies. <ul style="list-style-type: none"><li>• World Network of Biosphere Reserves</li></ul> -DENR BMB as lead, in coordination with UNACOM	BMB	Seek concurrence with the DENR BMB as lead since the UNACOM is the agency who designate

Visayas Avenue, Diliman, Quezon City 1100, Philippines  
[www.denr.gov.ph](http://www.denr.gov.ph)

<ul style="list-style-type: none"> <li>• Global Geoparks Network</li> <li>-UNACOM as lead, in coordination with DENR MGB and DENR BMB</li> <li>• Wetlands of International Importance (Ramsar List)</li> <li>• ASEAN Heritage Parks</li> <li>• Globally Important Agricultural Heritage Systems, Nationally Important Agricultural Heritage System</li> <li>• All other cultural property and natural property of cultural significance in the Philippine Registry of Heritage</li> <li>• Natural Property of Cultural Significance covered by ENIPAS</li> </ul>	<p>BMB and MGB</p> <p>BMB BMB</p> <p>BMB</p> <p>BMB</p>	<p>Biosphere Reserves, suggestion for the UNACOM as lead in coordination with BMB</p> <p>Accepted</p> <p>Accepted</p> <p>Accepted</p> <p>Accepted</p>
<p><b>13. World Heritage Sites</b></p> <p>-The Commission, DENR BMB and UNACOM shall closely collaborate with each other in ensuring the conservation and management of mixed WHS</p>	<p>BMB</p>	<p>Recommendation to include the Protected Area Management Board (PAMB) in the management and conservation of the WHS, which is also a declared PA. Since, Section 11-A or the IRR of ENIPAS Act of 2018 states that the PAMB has the power to oversee the management and conservation of its respective PA.</p>
<p><b>16.4 Heritage Trees</b></p> <p>-The DENR through its regional Offices using this Commission-prescribed format shall furnish an inventory old heritage trees to the Commission for incorporation into the Registry.</p>	<p>FMB</p>	<p>-Clarification if the FMB has an inventory of heritage trees in the Philippines. Instead of the Regional Offices to submit, the FMB shall provide the</p>

		consolidated list to the Commission.
<p><b>Section 20. Establishment and Maintenance of Philippine Registry of Heritage</b></p> <p>-The Commission in coordination with the appropriate cultural agencies, i.e. DENR-BMB shall establish and maintain the Registry</p>	BMB	Accepted
<p><b>Section 21.11. Other International Designations</b></p> <p>-The DENR BMB shall inform the Commission of the designation of RAMSAR sites and ASEAN Heritage Parks within three months of designation for inclusion as Grade Level 1 properties in the Registry.</p>	BMB	Accepted
<p><b>Section 27.1. Declared Heritage Zones</b></p> <p>-The Commission shall coordinate with the DENR for the inclusion of culturally critical areas in the Philippine Environmental Impact System.</p>	EMB	Recommendation for the EMB to closely coordinate with the Commission.
<p><b>Section 35.2.3. Use of Regulated Materials for Conservation</b></p> <p>-The Commission shall coordinate and may enter into agreements with the DENR and/or appropriate agencies for the use of regulated materials if the said materials are required for conservation. (i.e. donation of confiscated forest products)</p>	FMB	Recommendation to include/mention EO no. 23 S. of 2011, since Section 2. Moratorium on the cutting and harvesting of timber in Natural Forests, states that the Department of Education shall be given priority on the use of all confiscated logs.
<p><b>Section 36.4 Areas Closed to Mining Applications</b></p> <p>-Pursuant to Section 19 of RA no. 7942, otherwise known as the Philippine Mining Act of 1995, mineral agreement or financial assistance agreement application</p>	MGB	Accepted

<p>shall not be allowed near Grade I and II Level cultural properties and archaeological sites, except upon written consent of the Commission and/or appropriate cultural agency, and subject to technical evaluation and validation by the DENR-MGB.</p>		
<p><b>Section 36.5 Cave Resources Management</b>  -The DENR and Commission shall both be responsible for the issuance of permits for the collection and removal of archaeological materials in caves and other cave resources.</p>	BMB	Clarification on the Commission's responsibility on the issuance of permits since RA no 9072 states that the DENR has the power and function to issue permits for the collection and removal of guano and other cave resources which shall be determined in coordination with the DOT, National Museum, concerned LGUs, the scientific community and the academe, with regard to specific caves taking into consideration biodiversity as well as the aesthetic and archaeological value of the cave.
<p><b>Section 36.6 Minimum Considerations for Siting and Designating Sanitary Landfills</b>  -If significant archaeological and cultural resources are present at the site, such resources shall be protected and preserved.</p>	EMB	Accepted
<p><b>Section 37.4. Training and Capacity Building</b>  -The Commission, DENR BMB, UNACOM, NMP and or NHCP as appropriate may organize training and capacity building for site management, preparation of State</p>	BMB	Accepted

of Conservation reports, CMPS, HIS and other necessary activities...		
<p><b>Section 37.5. Technical Assistance for the Tentative List-</b> The Commission, DENR BMB, UNACOM , NMP and or NHCP as appropriate may provide technical assistance to stakeholders and LGUs with property proposals in the Tentative List for the preparation of the necessary documents and dossier required for inscription in the World Heritage Site</p>	BMB	Accepted
<p><b>Section 39.3 Protecting Greenery-</b> Trees, grass lawn areas, and other greenery should be preserved . The cutting of historic and or native trees and replacement of green spaces with concrete, concrete pavers or similar materials shall be prohibited unless a clearance is secured from the NHCP through the commission. The necessary permits should also be secured from DENR.</p>	FMB	Emphasize on "strictly prohibited" unless such cutting activities are necessary due to public safety concern.
<p><b>Section 48. Systematic Research in Natural History</b> -iii The NMP shall inform the DENR and NCIP for the collection of terrestrial species. It shall inform the DA for the collection of aquatic/marine species.</p>	BMB	Recommendation to revise pursuant to Section 4 of the RA 9147 or the "Wildlife Resources and Conservation Act", which states that the (DENR) shall have jurisdiction over all terrestrial plant and animal species, all turtles and tortoises and wetland species, including but not limited to crocodiles, waterbirds and all amphibians and dugong. The DA shall have jurisdiction over all declared aquatic critical habitats, all aquatic resources, including

		but not limited to all fishes, aquatic plants, invertebrates and all marine mammals, except dugong.
<p><b>Section 60.2. Regulation and Control of Foreign and Local Research, Data and Specimen Gathering, Archaeological Exploration and Excavation, Treasure Hunting and Accidental Discoveries.</b></p> <p>-(n) The Regional Cave Committees shall inform the Commission on the proposed mining activity to be undertaken in caves, in coordination with the company that applied for mining rights, the commission shall conduct test excavation in caves, rock shelters or any other such areas to ensure that no archaeological material is present.</p> <p>-(o) The report on test excavation shall be submitted by the Commission to the DENR. When the area has no archaeological significance, the Commission shall issue a clearance which is a prerequisite requirement before the issuance of a mining permit.</p>	BMB and MGB	Requesting for technical comments from BMB and MGB regarding mining activities in caves
<p><b>Section 60.6. Environmental Impact Assessment</b></p> <p>-Any government or non-government infrastructure project or architectural site development shall include anthropological, archaeological, historical and heritage site conservation concerns in their EIA.</p>	EMB	Accepted
<p><b>Section 64. Cultural Mapping by LGUs</b></p> <p>-DENR for the inventory of national</p>	BMB	Accepted

<p>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</p>		
<p><b>Section 80. Institutional Linkages of the National Cultural Agencies</b>          -(g) The DENR, which shall be responsible for the establishment and management of the ENIPAS Act, the conservation of wildlife resources, including cave and cave resources, the monitoring of Grade I and Grade II Level natural heritage and shall coordinate with the NCIP for the conservation of natural resources that are cultural of indigenous peoples and the UNACOM for natural heritage included in the World Heritage List, World Heritage Tentative List, World Network of Biosphere Reserves and global geoparks.          -(j) The UNACOM which shall act as the liaison between the cultural agencies of the Philippines (for cultural heritage) of the DENR (for natural heritage) and the UNESCO and assist the national cultural agencies and the DENR in implementing the agreements and conventions adopted by the UNESCO which the Philippines has ratified or is in the process of ratifying.</p>	<p>BMB</p>	<p>Accepted</p>
<p><b>Section 92.2. Penalties for Prohibited Acts in Protected Areas</b></p>	<p>BMB</p>	<p>Recommendation to revise to RA no. 7586, as amended by RA 11038.</p>

<p>-The penalties provided by Section 21 of RA no. 7586, as amended, shall apply. If such acts are also in violation of this act, the penal provisions of this act shall also apply.</p>		
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Please submit your inputs and/or concurrence on or before **March 04, 2024**. Allow us to consider that you concur with the provisions should we receive no further inputs from your Offices.

For your information and consideration, *please*.

  
CHERYL LOISE T. LEAL





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**Fwd: OSEC-2024-000363: NCCA: Draft RIRR of RA 10066 as Amended by RA 11961 [ADVANCE COPY]**

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DENR OSEC Referral <osec.referral@denr.gov.ph>

Wed, Jan 24, 2024 at 10:14 AM

To: "Office of the Undersecretary Ernesto D. Adobo Jr." <usecais@denr.gov.ph>, Office of the Undersecretary for Field Operations and Environment <officeofuseccuna@denr.gov.ph>, Biodiversity Management Bureau <bmb@denr.gov.ph>, central@mgb.gov.ph, od@emb.gov.ph, "Undersecretary for Policy, Planning and International Affairs" <ouppia@denr.gov.ph>, director@bmb.gov.ph

Sir/Madam:

Respectfully referred to your good office for information and appropriate action, with EDATS No. OSEC-2024-000363.

Thank you!

**NOTE: DO NOT REPLY TO THIS EMAIL.** For updates, inquiries and other communications, please send to [osec@denr.gov.ph](mailto:osec@denr.gov.ph).



**OFFICE OF THE SECRETARY**  
4/F DENR Main Building  
Visayas Avenue, Diliman  
Quezon City

From: **NCCA PPO Policy Review and Development Unit** <nccaprdu.ppo@gmail.com>

Date: Mon, Jan 22, 2024 at 1:59 PM

Subject: **NCCA: Draft RIRR of RA 10066 as Amended by RA 11961 [ADVANCE COPY]**

To: <osec@denr.gov.ph>

Cc: <bmb@bmb.gov.ph>, <npd@bmb.gov.ph>, <ryan.cuanan@bmb.gov.ph>, recordsco <recordsco@emb.gov.ph>, <eia@emb.gov.ph>, <ohea@denr.gov.ph>, <central@mgb.gov.ph>

Dear **Secretary Loyzaga**:

From the National Commission for Culture and the Arts, *Mabuhay!*

This is to respectfully send an advance copy of the transmittal letter of the Draft Revised Implementing Rules and Regulations (RIRR) of R.A. No. 10066 as amended by R.A. No. 11961 for DENR's review and concurrence.

The official copy of the draft RIRR is attached for your reference. Furthermore, attached also is the official concurrence of the OSG to the draft RIRR.

We look forward to receiving a favorable response regarding this matter.

Thank you very much.

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Please help us in improving our services by answering the questions in this link. Thank you!

Sincerely for Culture and the Arts,

**Policy Review and Development Unit**

Planning and Policy Office

Office of the Deputy Executive Director for Administration and Support Services

National Commission for Culture and the Arts

633 General Luna St., Intramuros, Manila

(02) 8527-2192 local 505



**ADVISORY:** Please be informed of the NCCA's official business hours: from 8am to 7pm during Mondays-Thursdays only. Please be guided accordingly. Thank you.

Para lamang sa indibidwal kung kanino nakapatukoy ang impormasyong nilalaman ng mensaheng ito at maaaring ituring ito na komunikasyong may pribilehiyo at kumpidensyal na pinangangalagaan sa ilalim ng mga umiiral na batas. Ipinagbabawal ang paggamit, pagbabago, pagpapakalat, pagpapahayag, pagpapalaganap at pagkopya ng email na ito o anumang nakapaloob dito ng sinumang hindi pinatukuyan ng mensaheng ito o nagkamaling makakatanggap nito at maaaring magbunsod ng pagpapataw ng karampatang kaparusahan sa ilalim ng mga umiiral na batas. Kung sakaling nagkamali sa pagpapadala, mangyaring ipaalam ito sa nagpadala at dagliang burahin. Pahayag lamang ng nagpadala ng email ang mga narito at hindi nangangahulugan na awtorisado o pinahihintulutan ito ng Komisyon.


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### 3 attachments

 **NCCA\_Draft RIRR of Amended RA 10066\_ADVANCE COPY\_DENR.pdf**  
235K

 **OSG's Concurrence.pdf**  
70K

 **Draft RIRR of RA10066 as Amended by RA11961.pdf**  
749K



PAMBANSANG KOMISYON PARA SA KULTURA AT MGA SINING

By E-Mail / Mobile / Messenger Transmission

ADVANCE COPY

18 January 2024

**HON. MARIA ANTONIA Y. LOYZAGA**

Secretary

Department of Environment and Natural Resources (DENR)

Attention: **MARCIAL C. AMARO JR.** ||  
OIC Director, DENR-BMB

**GILBERT C. GONZALES, CESO III** ||  
Director, DENR-EMB

**ATTY. DANILO U. UYKIENG**  
OIC Director, DENR-MGB

Dear **Secretary Loyzaga**:

From the National Commission for Culture and the Arts (NCCA), *Mabuhay!*

This is with regard to the recently passed Republic Act (R.A.) No. 11961 that amended R.A. No. 10066, otherwise known as the "*National Cultural Heritage Act of 2009*." Pursuant to section 4 of R.A. No. 11961, the Commission has prepared the draft Revised Implementing Rules and Regulations (RIRR) of the amended National Cultural Heritage Act of 2009 that has been crafted with and reviewed by the Office of the Solicitor General (OSG). Last 16 November 2023, we invited DENR to the Stakeholders' Consultation on the draft RIRR together with other national government agencies whose mandates are crucial in the effective implementation of the said law.

In this regard, we write to respectfully request the concurrence of DENR in the promulgation of the said RIRR by the NCCA. The official copy of the draft RIRR can be found in the email transmittal for reference. Attached is the official concurrence of the OSG to the draft RIRR. Should you have any questions, your colleagues may get in touch with Mr. Renzo P. Polangco at [nccaprdu.ppo@gmail.com](mailto:nccaprdu.ppo@gmail.com) or at telephone number 527-2192 local 505. Thank you.

In closing, please accept the assurances of our highest consideration and continuing esteem.

Very truly yours,

**VICTORINO MAPA MANALO, CESE**  
Chair



Republic of the Philippines Office of the President

**NATIONAL COMMISSION FOR CULTURE AND THE ARTS**

633 General Luna Street, Intramuros, 1002 Manila / Tel. 527-2192 to 98 / Fax 527-2191 & 94 / e-mail: [info@ncca.gov.ph](mailto:info@ncca.gov.ph) / website: [www.ncca.gov.ph](http://www.ncca.gov.ph)



Republic of the Philippines

**OFFICE OF THE SOLICITOR GENERAL**

January 9, 2024

**OSCAR G. CASAYSAY**

Executive Director

National Commission for Culture and the Arts (NCCA)

633 General Luna Street

Intramuros, 1002 Manila

Re: OSG's Concurrence with the Revised  
Implementing Rules and Regulations of  
R.A. No. 11961

X-----X

Dear **Director Casaysay**:

We write in connection with your letter dated January 4, 2024, requesting the concurrence of the Office of the Solicitor General that the draft Revised Implementing Rules and Regulations (RIRR) of Republic Act No. 11961 is in order.

After thorough review and in collaboration with your office, we concur that the draft RIRR is in order and aligns with the legal standards and objectives intended for the preservation and promotion of our national cultural heritage.

In addition to our concurrence, we recommend that the NCCA consider the preparation of a separate rule of procedure concerning the imposition of administrative sanctions pursuant to Section 88 of the RIRR and appeals pursuant to Sections 89 and 90 of the RIRR. Such a detailed procedural framework would not only complement the RIRR but also ensure clarity and efficiency in the application and enforcement of these critical sections.

We appreciate the opportunity to contribute to this significant endeavor and NCCA's ongoing efforts to safeguard our nation's cultural legacy.

OSG Building, 134 Amorsolo Street, Legaspi Village, Makati City, Philippines

Tel Nos. (632) 8988-1674 | Website: <https://www.osg.gov.ph>



**BAGONG PILIPINAS**

We trust that you find the foregoing in order. Thank you.

Very truly yours,



**ANGELITA VILLANUEVA MIRANDA**  
Assistant Solicitor General



**KAREN A. ONG**  
Assistant Solicitor General



**JAYROUS D. VILLANUEVA**  
Senior State Solicitor



**ERIC BENJAMIN D. LAVADIA**  
State Solicitor

**THE 2023 IMPLEMENTING RULES AND REGULATIONS OF  
REPUBLIC ACT NO. 10066, THE NATIONAL CULTURAL HERITAGE  
ACT OF 2009, AS AMENDED BY REPUBLIC ACT NO. 11961, AND  
OTHER LAWS AND REGULATIONS ON CULTURAL HERITAGE**

**BOOK 1 - GENERAL PROVISIONS**

**RULE I - TITLE, PURPOSE, AND CONSTRUCTION**

**Section 1. Short Title.** – These Revised Implementing Rules and Regulations (RIRR) shall be known as the “2023 Implementing Rules and Regulations of Republic Act No. 10066, otherwise known as the ‘National Cultural Heritage Act of 2009,’ as amended by R.A. No. 11961,” hereinafter referred to as the Rules.

**Section 2. Purpose.** – These Rules are promulgated for the implementation of R.A. No. 10066, as amended, in order to facilitate compliance therewith and to achieve the objectives thereof.

**Section 3. Construction.** – These Rules shall be construed and applied in accordance with, and in furtherance of, the policies and objectives of the Act.

In case of conflict in the text and interpretation of various laws on cultural heritage, unless otherwise provided by these Rules, the interpretation consistent with the provisions of R.A. No. 11961 and these Rules shall be applied, in a manner that enhances the conservation of the cultural heritage of the Philippines.

The provisions of these Rules, insofar as practicable, shall also be used to guide the interpretation and implementation of existing and future laws of local application and local ordinances that pertain to cultural heritage.

In case of conflict or ambiguity, which may arise in the implementation of these Rules, the National Commission for Culture and the Arts (NCCA), hereinafter referred to as the Commission, shall issue the necessary clarification. In case of doubt, the same shall be construed liberally and in favor of the Constitutional directives to foster preservation, enrichment and dynamic evolution of a Filipino culture.

**THE 2023 IMPLEMENTING RULES AND REGULATIONS OF  
REPUBLIC ACT NO. 10066, THE NATIONAL CULTURAL HERITAGE  
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**Section 4. Coverage.** These Rules seek to harmonize and rationalize the implementation of various laws, regulations and agreements insofar as they relate to cultural heritage, namely:

1. Republic Act No. 10066, the National Cultural Heritage Act of 2009
2. Republic Act No. 11961, amending the National Cultural Heritage Act of 2009
3. Republic Act No. 7356, the Charter of the National Commission on Culture and the Arts (NCCA)
4. Republic Act No. 9470, the Charter of the National Archives of the Philippines (NAP)
5. Republic Act No. 10086, the Charter of the National Historical Commission of the Philippines (NHCP)
6. Republic Act No. 11333, the Charter of the National Museum of the Philippines (NMP)
7. Presidential Decree No. 15, s. 1972, creating the Cultural Center of the Philippines (CCP)
8. Republic Act No. 656, the Property Insurance Law
9. Republic Act No. 4846, the Cultural Properties Preservation and Protection Act
10. Republic Act No. 7160, the Local Government Code of 1991
11. Republic Act No. 7942, the Philippine Mining Act of 1995 ✓
12. Republic Act No. 8371, the Indigenous Peoples' Rights Act of 1997
13. Republic Act No. 9072, the National Caves and Cave Resources Management and Protection Act ✓
14. Republic Act No. 9105, the Art Forgery Act of 2001
15. Republic Act No. 9593, the Tourism Act of 2009
16. Republic Act No. 10591, the Comprehensive Firearms and Ammunition Regulation Act
17. Republic Act No. 10752, the Right-of-Way Act
18. Republic Act No. 11038, the Expanded National Integrated Protected Areas System Act of 2018 ✓
19. Republic Act No. 11054, the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao
20. Republic Act No. 11194, the Gabaldon School Buildings Conservation Act
21. Republic Act No. 11292, the Seal of Good Local Governance Act of 2019
22. Republic Act No. 11698, the Vintage Vehicle Regulation Act
23. Republic Act No. 11904, the Philippine Creative Industries Development Act
24. Presidential Decree No. 373, s. 1974, Exempting from Taxation All Donations to the National Museum, the National Library and the Archives of the National Historical Institute



25. Presidential Decree No. 374, s. 1974, Amending Certain Sections of the 'Cultural Properties Preservation and Protection Act'
26. Presidential Decree No. 1003-A, s. 1976, Creating the National Academy of Science and Technology, and Executive Order No. 236, s. 2003, Establishing the Honors Code of the Philippines to Create an Order of Precedence of Honors Conferred and for Other Purposes
27. Presidential Decree No. 1151, Philippine Environmental Policy ✓
28. Presidential Decree No. 1586, Establishing an Environmental Impact Statement System Including Other Environmental Management Related Measures and for Other Purposes
29. Current and future laws and executive issuances declaring and protecting cultural properties including but not limited to Presidential Decree Nos. 105, 260, 375, 756, 1109, and 1499, Batas Pambansa No. 50 (Karim ul-Makhdum Mosque as National Cultural Treasure), Republic Act Nos. 597 (Fort Santiago as National Shrine), 4039 (Aguinaldo Shrine), 5648 (Ricarte Shrine), 5649 (Aglipay Shrine), 8058 (Ancestral Houses along Rizal Street, Silay City, Negros Occidental as Historical Landmarks), 10555 (Jaro Cathedral, Molo Church, the Iloilo City Central Business District, Fort San Pedro, Jaro Plaza Complex, Molo Plaza Complex and Plaza Libertad Complex as Cultural Heritage Tourism Zone), 11644 (Carcar City Heritage Zone Act), and 11645 (Heritage Zone within San Vicente, Ilocos Sur), Executive Order Nos. 58, s. 1954 (Corregidor and Bataan National Shrines), and 173, s. 1965 (Casa Real as National Shrine), and Proclamation Nos. 55, s. 1954 (Bessang Pass National Shrine), 207, s. 1967 (Fort San Antonio Abad), 324, s. 1968 (Mabini Shrine), 618, s. 1969 (National Freedom Park), 996, s. 1972 (Tabon Cave as Site Museum Reservation), 1460, s. 1975 (Bantayog sa Kiangnan), 1683, s. 1977 (Burial Caves at Sitio Alabok as National Cultural Treasure), 1743, s. 1978 (reserving portion of Quezon, Palawan for anthropological and archeological research purposes), 86, s. 1987 (Balangays as National Cultural Treasures), 842, s. 1991 (Capas National Shrine), 228, s. 1993 (Ricarte National Shrine), 425, s. 1994 (Balantang Memorial Cemetery National Shrine), 590, s. 1995 (National USAFIP-NL Military Shrine and Park), and 1132, s. 1997 (Andres Bonifacio Shrine)
30. Department orders and other memoranda and circulars issued by, but not limited to, the Department of Public Works and Highways (DPWH), Department of the Interior and Local Government (DILG), Department of Environment and Natural Resources (DENR), Department of Education (DepEd), and Department of Health (DOH) as they relate to cultural heritage
31. Agreement between the Holy See and the Republic of the Philippines on the Cultural Heritage of the Catholic Church (2007) and the National Agreement between the National Commission for Culture and the Arts (NCCA) and the

Catholic Bishops Conference of the Philippines (CBCP) on the Cultural Heritage of the Catholic Church in the Philippines (2016)

32. All other laws and presidential decrees insofar as they impact cultural heritage

**Section 5. Mandate.** These Rules implement the mandate of the NCCA under Section 51 of RA 10066, as amended, and in relation to Section 8 of RA 7356.

## **RULE II - DECLARATION OF POLICIES, PRINCIPLES, AND OBJECTIVES**

**Section 6. Declaration of Policies and Principles.** – In line with the Constitution, the following policies shall guide these Rules:

1. The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development. (Sec. 17, Art. II Constitution)
2. The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development. (Sec. 22, Art. II Constitution)
3. The State shall foster the preservation, enrichment, and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression. (Sec. 14, Art. XIV Constitution)
4. Arts and letters shall enjoy the patronage of the State. The State shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations. (Sec. 15, supra)
5. 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. (Sec. 16, supra)
6. The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies. (sec. 17, supra)
7. The State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, scholarships, grants and other incentives, and community cultural centers, and other public venues. (sec. 18[1], supra)
8. The State shall encourage and support researches and studies on the arts and culture. (sec. 18[2], supra)

The interpretation and implementation of the above-mentioned laws and regulations shall, as a general rule, be governed by the following principles:

1. Consistent with P.D. No. 1151 on Philippine Environmental Policy, it is hereby declared a continuing policy of the State (a) to create, develop, maintain and improve conditions under which man and nature can thrive in productive and enjoyable harmony with each other, (b) to fulfill the social, economic and other requirements of present and future generations of Filipinos, and (c) to ensure the attainment of an environmental quality that is conducive to a life of dignity and well-being. In pursuing this policy, it shall be the responsibility of the Government, in cooperation with concerned private organizations and entities, to use all practicable means, consistent with other essential considerations of national policy, in promoting the general welfare to the end that the Nation may (a) recognize, discharge and fulfill the responsibilities of each generation as trustee and guardian of the environment for succeeding generations, (b) assure the people of a safe, decent, healthful, productive and aesthetic environment, (c) encourage the widest exploitation of the environment without degrading it, or endangering human life, health and safety or creating conditions adverse to agriculture, commerce and industry, (d) preserve important historic and cultural aspects of the Philippine heritage, (e) attain a rational and orderly balance between population and resource use, and (f) improve the utilization of renewable and non-renewable resources.
2. Pursuant to this constitutional mandate, Republic Act No. 7160 or the Local Government Code, particularly Section 16 thereof, mandates that local government units promote the general welfare of their inhabitants, which includes, among others, the preservation and enrichment of culture.
3. Consistent with Sections 4, 5, and 6 of the RA 7356, Filipino national culture must be of the people, by the people, and for the people, and in this regard, the formulation and implementation of policies, programs, projects, and activities must whenever possible include relevant stakeholders.
4. Pursuant to Section 13 of R.A. No. 7356, the Commission shall consistently and conscientiously exercise its power and function to regulate activities inimical to preservation and conservation of national cultural heritage and properties.
5. Consistent with Section 15 of R.A. No 10066, accepted international standards of conservation shall be applied in the designation and management of important cultural property. In this regard, the Philippine Heritage Charter for Heritage Sites and Spaces, and Their Associated Environments (2021) constitutes an authoritative summation of international standards applicable in the Philippine context.

6. Pursuant to Section 3(i) and 7(i) of R.A. No. 11292, LGUs shall continually progress and improve their performance in conserving local culture and heritage and fostering their value and significance for tourism opportunities and their ability to promote and protect Philippine identity through local heritage and culture, or local legacy, in terms of preserving the cultural, historical and indigenous significance of the community.

**Section 7. Objectives.** – Consistent with Republic Act No. 7356, in pursuit of cultural preservation as a strategy for maintaining Filipino identity, these rules shall pursue the following objectives:

1. Protect, preserve, conserve and promote the nation's cultural heritage, its property and histories, and safeguard the identity of local communities;
2. Establish and strengthen cultural institutions; and,
3. 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 co-exists 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.

### **RULE III - DEFINITION OF TERMS**

**Section 8. Definition of Terms.** – For purposes of these Rules, the following terms shall be defined as follows:

1. **'2003 Convention'** shall refer to the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage of UNESCO;
2. **'Act'** shall refer to Republic Act No. 10066, as amended by Republic Act No. 11961;
3. **'Activities'** shall refer to direct or indirect actions being done in relation to and conjunction with conservation, such as meetings, consultations, fund-raising activities, awareness campaigns, among others. This may be initiated by stakeholders involved in a conservation undertaking;
4. **'Adaptive reuse'** shall refer to the utilization of buildings, other built structures and sites of value for purposes other than those for which they

- were originally intended, in order to conserve the site, their engineering integrity and authenticity of design;
5. **'Agricultural heritage system'** shall refer to remarkable land use systems and landscapes that are rich in biological diversity evolving from the co-adaptation of population with its environment for sustainable development, and created, shaped and maintained by generations of farmers and herders based on diverse natural resources, using locally adapted management;
  6. **'Anthropological site'** shall refer to any location where studies of specific ethnolinguistic groups are undertaken and whose properties contribute to the nation's cultural heritage;
  7. **'Antique'** shall refer to a cultural property found locally which is at least one hundred (100) years old, the production of which has ceased;
  8. **'Antique firearm'** shall refer to any: (1) firearm which was manufactured at least seventy-five (75) years prior to the current date but not including replicas; (2) firearm which is certified by the NMP to be curio or relic of museum interest; and (3) any other firearm which derives a substantial part of its monetary value from the fact that it is novel, rare, bizarre or because of its association with some historical figure, period or event;
  9. **'Archaeological Impact Assessment (AIA)'** identifies potential archaeological resources in a proposed development through systematic visual inspection, archaeological subsurface testing or excavation prior to any forms of ground alteration. It shall apply to all projects that involve massive earth movement, especially in areas where archaeological resources have been identified based on but not limited to previous archaeological work, anthropological research, indigenous knowledge, and local reports. Such areas will require a systematic analysis of the effects of the proposed development before an informed and reasonable decision is taken to permit the project;
  10. **'Archaeological site'** shall refer to any location containing fossils, artifacts or ecofacts, and other cultural, geological, botanical, and zoological materials that depict and document culturally relevant paleontological, prehistoric, or historic events, whether above or below ground, underwater, or at sea level, as declared by law or the pertinent cultural agency or agencies;
  11. **'Archival materials'** shall refer to records, papers, periodicals, books or other items, articles or materials, whether in the form of electronic, audio-visual or print, which by their nature and characteristics have enduring value, that have been selected for permanent preservation;
  12. **'Archives'** shall refer to public and private records in any format that have been selected for permanent preservation because of their evidential, historical, and informational value; also known as archival materials

- collections or archival holdings; a place (building/room/storage area) where archival materials are kept and preserved; or an organization or agency, also known as archival agency, or part thereof whose primary responsibility is to appraise, arrange, describe, conserve, promote, and make archival materials available for reference and research;
13. **'Art forgery'** shall refer to a crime carried out by any person or entity who commits any of the following acts: (1) affixing or causing to appear a usurped or forged signature or sign on any work of fine art; (2) counterfeiting or imitating any original signature or sign, with the intent to deceive the public or the buyer as to the authorship of a work of art; (3) selling or circulating any work of fine art bearing forged or usurped signatures or signs; and (4) imitating or reproducing any work of fine art with intent to deceive the public or the buyer as to the authenticity of the work;
  14. **'ASEAN Heritage Parks'** shall refer to protected areas recognized by ASEAN to be of high conservation importance, preserving in total a complete spectrum of representative ecosystems of the ASEAN region. they are established to generate greater awareness, pride, appreciation, enjoyment and conservation of ASEAN's rich natural heritage, through a regional network of representative protected areas, and to generate greater collaboration among the ASEAN member states in preserving their shared natural heritage;
  15. **'Audiovisual materials'** shall refer to nontextual materials such as films, audio-visual negatives, prints, sound or video recordings, or digital files, including, but not limited to, moving films, documentaries, and animation;
  16. **'Authenticity'** shall refer to the truthful and credible manifestation of heritage values as expressed through form and design, materials and substance, use and function, traditions and techniques, location and setting, spirit and feeling, and other internal and external factors;
  17. **'Buffer zone'** shall refer to an area surrounding a core zone that is delineated either by the Commission or the appropriate cultural agency to help protect the integrity, authenticity, and sustainability of heritage in the core zone;
  18. **'Built heritage'** shall refer to architectural and engineering structures such as, but not limited to, bridges, government buildings, houses of ancestry, traditional dwellings, quartels and other military structures, train stations, lighthouses, small ports, educational, technological, and industrial complexes, and their settings and landscapes with notable historical and cultural significance;
  19. **'Categorization'** shall refer to the internal process of cultural agencies to recommend designations for cultural properties. Until there are official declarations, the recommendations do not confer any protection on a cultural property;

20. **'Cave'** shall refer to any naturally occurring void, cavity, recess or system of interconnected passages beneath the surface of the earth or within a cliff or ledge and which is large enough to permit an individual to enter, whether or not the entrance, located either in private or public land, is naturally formed or man made. It shall include any natural pit, sinkhole or other feature which is an extension of the entrance. The term also includes cave resources therein, but not any vug, mine tunnel, aqueduct or other manmade excavation;
21. **'Cave resources'** shall refer to any material or substance occurring naturally in caves, such as animal life, plant life, including paleontological and archaeological deposits, cultural artifacts, or products of human activities, sediments, minerals, speleogems and speleothems;
22. **'Certificate of Compliance (COC)'** shall refer to the certificate issued to local government units which has adhered to the procedures on the submission of local cultural inventories (LCI), and is used primarily as a proof of compliance to Section 14(b) of Republic Act No. 10066. It shall not be used as a form of accreditation or endorsement of the Commission for any other purpose;
23. **'Classified'** shall refer to structures and sites marked and listed as such and recorded in the National Historical Commission of the Philippines's National Registry of Historic Sites and Structures, and not falling under any of the five (5) categories of historic sites and structures, namely: National Shrines, National Monuments, National Landmarks, Heritage Houses and Historic Sites;
24. **'Collector'** shall refer to any person who or institution that acquires cultural property for purposes other than sale;
25. **'Commission'** when used singly, shall refer to the National Commission for Culture and the Arts (NCCA);
26. **'Conservation'** shall refer to all processes and measures for maintaining the cultural significance of a cultural property, including, but not limited to, preservation, restoration, reconstruction, protection, adaptation, retrofitting, or any combination thereof;
27. **'Conservation Management Plan (CMP)'** shall refer to the main guiding document for the conservation and management of immovable cultural properties. It states what is significant about the cultural property and consequently what policies and actions are appropriate which enable that significance to be retained in its future use and development;
28. **'Core zone'** shall refer to the declared cultural property/ies and the surrounding area delineated either by the Commission or the appropriate cultural agency that is integral to protecting their significance, integrity, and authenticity;

29. **'Cultural agencies'** shall refer to the following national government agencies: the NCCA; National Museum of the Philippines (NMP); National Library of the Philippines (NLP); National Historical Commission of the Philippines (NHCP); National Archives of the Philippines (NAP); Cultural Center of the Philippines (CCP) and Komisyon Sa Wikang Filipino (KWF);
30. **'Cultural education'** shall refer to the teaching and learning of cultural concepts and processes;
31. **'Cultural heritage'** shall refer to the totality of cultural property that has been preserved and developed over time and passed onto future generations;
32. **'Cultural heritage education'** shall refer to the pedagogical process in which the learners are able to understand heritage resources and the importance of its promotion, development, and conservation. It will be a significant part of the citizenship curriculum, bringing students to understand their own cultures from the past, and how the past heritage has developed and transformed alongside history, bringing the past to the present as vital component in nation building;
33. **'Cultural heritage worker'** shall refer to an individual engaged in cultural heritage work;
34. **'Cultural institution'** shall refer to entities primarily engaged in cultural work;
35. **'Cultural mapping'** shall refer to the identification, recording, and use of cultural resources of communities. It is a systematic set of activities and methodological processes for discovering, documenting, analyzing, interpreting, presenting, and sharing information related to people, communities, societies, places, and their material products, practices, and narratives;
36. **'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, school buildings, and natural history specimens and sites, whether owned publicly or privately, movable or immovable, or tangible or intangible. Cultural property can be culturally, artistically, and/or historically significant;
37. **'Culturally Critical Area (CCA)'** shall refer to an area that is defined as culturally sensitive such that significant cultural impacts are expected if certain types of proposed projects or programs are located, developed or, implemented in it;
38. **'Culturally sensitive'** shall mean that an area is culturally, historically, and/or archaeologically important;



39. **'Dealers'** shall refer to natural or juridical persons who acquire cultural property for the purpose of engaging in the acquisition, consignment, and/or disposition of the same;
40. **'ENIPAS Act'** shall refer to Republic Act No. 11038, the Expanded National Integrated Protected Areas System (ENIPAS) Act of 2018; ¶
41. **'Filipino masters'** shall refer to preeminent or historically noteworthy Filipino artists of Philippine art historical styles, who may or may not legally qualify or be otherwise proclaimed as National Artist, particularly those who died before 1972, including all recipients of the Republic Cultural Heritage Award who were not subsequently awarded the Order of National Artists;
42. **'Gabaldon school buildings'** shall refer to school buildings designed by American Architect William Parsons and funded through Act No. 1801, authored by Assemblyman Isauro Gabaldon. This may also refer to school buildings designed and built by the Bureau of Architecture and Construction of Public Buildings for the Bureau of Education from 1910 to 1940. **'Ancillary structures of Gabaldon school buildings'** shall refer to heritage structures within the school complex such as, but not limited to Home Economics buildings, Industrial Arts buildings, monuments, flagpoles, gate/fences, and training buildings;
43. **'Global geoparks'** shall refer to single, unified geographical areas where sites and landscapes considered by UNESCO of international geological significance, managed with a holistic concept of protection, education, and sustainable development;
44. **'Globally Important Agricultural Heritage Systems (GIAHS)'** shall refer to remarkable land use systems and landscapes around the world designated by the UN Food and Agriculture Organization (FAO) that are rich in biological diversity evolving from the co-adaptation of population with its environment for sustainable development. GIAHS also alternatively refers to a global initiative that seeks to dynamically conserve this system;
45. **'Heritage houses'** shall refer to houses of ancestry of notable historical, cultural, social, architectural, and artistic value and significance, as declared by the NHCP;
46. **'Heritage Impact Assessment (HIA)'** is a detailed assessment of the potential impact of a proposed development on cultural properties and their setting with specific recommendations to mitigate any adverse impacts. It is a structured process to make sure that the significance of cultural resources are taken into account when developing and designing proposals for change;
47. **'Heritage sites, spaces and their associated environments'** shall refer to exterior and interior spaces, natural and human-made landscapes, sacred grounds, sightlines, geologic features, subterranean and underwater

- elements, flora and fauna, and the like, including their directly related celebrations, customs, and traditions;
48. **'Heritage trees'** shall refer to trees that share common and extensive histories with the people with whom and places in which they are found, as determined by the pertinent cultural agency or agencies;
  49. **'Heritage zone'** shall refer to historical, anthropological, archaeological, and artistic geographical areas and settings that are culturally significant to the nation and declared as such by law or the pertinent cultural agency or agencies;
  50. **'Historic objects'** shall refer to significant movable cultural property that pertains to Philippine history, heroes and personages;
  51. **'Historic open spaces'** shall refer to all Spanish and American colonial period plazas and public squares, or those declared by the NHCP as such;
  52. **'Historic place names'** shall refer to a place name that has been in existence for at least fifty (50) years and has become historic over time;
  53. **'Historic site'** shall refer to a place declared by the NHCP to have important historic significance;
  54. **'Historic urban landscape'** shall refer to the urban area understood as the result of a historic layering of cultural and natural values and attributes, extending beyond the notion of "historic center" or "ensemble" to include the broader urban context and its geographical setting. This wider context includes notably the site's topography, geomorphology, hydrology and natural features, its built environment, both historic and contemporary, its infrastructures above and below ground, its open spaces and gardens, its land use patterns and spatial organization, perceptions and visual relationships, as well as all other elements of the urban structure. It also includes social and cultural practices and values, economic processes and the intangible dimensions of heritage as related to diversity and identity;
  55. **'History'** shall refer to a written account of past events in Philippine history;
  56. **'Important cultural property'** shall refer to a cultural property that has exceptional cultural, artistic, and historical significance to the Philippines, and has been officially declared as such by law or the pertinent cultural agency or agencies;
  57. **'Incunabula'** shall refer to printed works produced by the native press when the art of printing in a particular country or locality was still in its infancy. In the Philippines, historians and bibliographers often refers to the years 1593 to 1640 our incunabula period;
  58. **'Indigenous knowledge systems and practices (IKSPs)'** shall refer to systems, institutions, mechanisms and technologies comprising a unique body of knowledge evolved through time that embody patterns of

relationships between and among peoples and between peoples, their lands and resource environment, including such spheres of relationships, which may include social, political, cultural, economic and/or religious spheres, and which are the direct outcome of the indigenous peoples' responses to certain needs, consisting of adaptive mechanisms which have allowed indigenous peoples to survive and thrive within their given socio-cultural and biophysical conditions;

59. **'Indigenous properties'** shall refer to cultural properties belonging to Indigenous cultural communities/Indigenous peoples;
60. **'Intangible cultural heritage'** shall refer to the practices, representations, expressions, knowledge, and skills, and 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; (5) traditional craftsmanship; and (6) customary systems for justice and child welfare;
61. **'Intangible cultural property'** shall refer to peoples' learned processes, along with the knowledge, skills, and creativity informed and developed by them, the products created, and the resources, spaces, and other aspects of social and natural context that are necessary for sustainability;
62. **'Integrity'** shall refer to a measure of the wholeness and intactness of the natural and/or cultural heritage and its attributes;
63. **'Inventory'** shall refer to a listing of heritage resources;
64. **'Language'** shall refer to the codes and symbols used by a particular speech community in both written and spoken form to facilitate the conduct of any discourse that contributes to the smooth functioning of society;
65. **'Library'** shall refer to an institution where the collection of books, manuscripts, computerized information or electronic resources, and other materials is organized to provide physical, bibliographic, and/or intellectual access to the public, with a librarian who is trained to provide services and programs related to the information needs of its clientele;
66. **'Local cultural inventory (LCI)'** also known as Local Inventory of Cultural Property or Local Cultural Database, shall refer to the inventory of identified tangible and intangible cultural properties, being maintained by the local government unit which reveal the identity of its community, and provide systematization and information on local cultural heritage;
67. **'Local cultural property'** shall refer to cultural properties adopted or recognized by the local Sanggunian as part of its LCI and inscribed by the Commission in the Philippine Registry of Heritage;

68. **'Local Culture and Arts Council (LCAC)'** shall refer to the local special body chaired by the local chief executive whose purpose is the promotion of culture and the arts, coordination with government agencies and non-governmental organizations, appropriation of funds for the support and development of the said council, implementation of LGU obligations under the National Cultural Heritage Act of 2009, and other related functions prescribed in DILG Memorandum Circular No. 2017-133;
69. **'Manuscripts'** shall refer to works prepared by hand including handwritten or typescript drafts of the publication papers or works not otherwise in multiple copies;
70. **'Marked structure'** shall refer to an undeclared structure or site bearing a historical marker produced and installed by the NHCP or any of its predecessors or a cultural marker installed by other cultural agencies;
71. **'Memory of the World (MOW) Register'** shall refer to documentary heritage inscribed by UNESCO because of its international significance and its outstanding universal value. This includes documentary heritage listed in the MOW International Register, MOW Committee for Asia and the Pacific Regional Register (MOWCAP), and MOW National Register. Inscription in these registers publicly affirms the significance of the documentary heritage, makes it better known and allows for greater access to it, thereby facilitating research, education, entertainment, and preservation over time;
72. **'Museum'** shall refer to a permanent institution that researches, acquires, preserves, communicates, and exhibits material evidence of humans and their environment for educational and recreational purposes;
73. **'National committees'** shall refer to the organizational unit of the Commission that consists of individuals who assist in the work of the Commission, including representatives of associations of artists and cultural workers and other non-government organizations, government organizations, organized into groups pursuant to Sec. 15 of R.A. No. 7356; **'Executive councils of national committees'** shall refer to the working group constituted pursuant to committee rules and regulations for the purpose of conducting the affairs of the national committee;
74. **'National cultural property'** shall refer to cultural properties declared by cultural agencies as Grade I or II Level, including but not limited to National Cultural Treasures, Important Cultural Properties, National Historical Landmarks, National Historical Shrines, National Monuments, Heritage Houses, Heritage Zones, Historic Sites, marked structures and sites, and archaeological sites;
75. **'National cultural treasure'** shall refer to a unique cultural property found locally possessing outstanding historical, cultural, artistic, and/or scientific

value, is highly significant and important to the country and nation, and has been officially declared as such by law or the pertinent cultural agency or agencies;

76. **'National heroes'** shall refer to deceased personalities whose deeds inspired the Filipinos to have a concept of a nation and to contribute to the defense, interest, betterment, and quality of life of their fellow countrymen, society, and homeland. They were and continuously being honored by the people nationally through commemorations, monuments or shrines, coins, and stamps, among others;
77. **'National historical landmarks'** shall refer to sites or structures that are associated with events or achievements significant to Philippine history, as declared as such by law or the NHCP;
78. **'National historical monuments'** shall refer to structures that honor illustrious persons or commemorate events of historical value, as declared as such by law or the NHCP;
79. **'National historical shrines'** shall refer to historic sites or structures hallowed and revered for their history or association, which must have enshrined relics, artifacts, or associated memory of historically-significant personages, as declared as such by law, executive issuances, or the NHCP;
80. **'National shrines'** shall refer to national historical shrines and all other military shrines as declared by law or executive issuances and/or administered by the Philippine Veterans Affairs Office (PVAO);
81. **'Nationally Important Agricultural Heritage Systems (NIAHS)'** shall refer to the Philippine adaptation of the GIAHS concept, which refers to certain remarkable agricultural land use systems and landscapes located in the Philippines that are rich in biological diversity evolving from the co-adaptation of the population with its environment for sustainable development;
82. **'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 diverse yet common identities, cultural heritage, and national patrimony;
83. **'Natural heritage'** shall refer to flora and fauna, physical, geological, and physiographical formations of the environment, whether terrestrial, wetland, or marine, and the ecosystem with which particular communities have had long-term relationships;
84. **'Natural property of cultural significance'** shall refer to natural heritage property of cultural significance for its tangible or intangible cultural heritage, whether or not covered by the Expanded National Integrated

- Protected Areas System (ENIPAS) Act of 2018 (Republic Act No. 11038) or by other environmental laws;
85. **'NCCA Portal Cultural Databank'** shall refer to the specific domain in the Commission's online database where digitized cultural maps are lodged for public information, scientific research, and academic purposes. It includes the Philippine Registry of Heritage;
  86. **'NIAHS initiative'** shall refer to an ongoing multi-sectoral initiative to identify, recognize and dynamically conserve certain agricultural land use systems and landscapes located in the Philippines that are rich in biological diversity evolving from the co-adaptation of population with its environment for sustainable development;
  87. **'NIAHS site'** shall refer to recognized NIAHS in specific locations in the Philippines;
  88. **'Operational Guidelines'** shall refer to the Operational Guidelines for the Implementation of the World Heritage Convention;
  89. **'Overlay zone'** shall refer to a transparent zone in a Comprehensive Land Use Plan (CLUP) and Zoning Ordinance (ZO) that is overlain on top of the Basic Zone or another Overlay Zone that provides an additional set (or layer) of regulations;
  90. **'Performing arts'** shall refer to music, dance, and theatre; in the context of intangible cultural heritage, it shall include traditional music, dance, and theatre or any performances for an audience with acting, singing, dance and music, dialogue, narration or recitation, or a combination thereof, performed in a specific place; further, it shall also include contemporary music, dance, and theatre that has for its subject traditional music, dance, and theatre performed in front of an audience in a specific place;
  91. **'Philippine Cultural Statistics Framework'** shall refer to the conceptual model for defining culture for statistical purposes jointly adopted by the Commission and the Philippine Statistics Authority (PSA). 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;
  92. **'Prehistory'** shall refer to the period of human history preceding the introduction of the forms of writing;
  93. **'Preservation'** shall refer to safeguarding the existence and appearance of a heritage property, pausing or understanding it only from a certain point in time, and effectively protecting it from change or evolution;
  94. **'Presidential papers and collections'** shall refer to published and unpublished collections on Philippine Presidency from Emilio Aguinaldo to present. It also

- includes photographs, books collections, manuscripts, personal papers, and records as well as digital resources;
95. **'Presumed Important Cultural Property'** shall refer to a cultural property automatically vested with the presumption of being as nationally significant as an Important Cultural Property by reason of being a work by a Manlilikha ng Bayan, National Artist, or National Hero; an archaeological or traditional ethnographic material; marked structure; structure dating at least fifty (50) years old; or archival material/documental dating at least fifty (50) years old unless the same presumption is removed or the cultural property declared by the appropriate cultural agency;
  96. **'Rare books'** shall refer to all Filipiniana books printed or published before 1945. It also includes original manuscripts, exceptional collections, and other publications of historical importance;
  97. **'Reconstruction'** shall refer to returning a cultural property, or a portion thereof, to a known earlier state by adding new materials, forms, methodologies, and technology. This shall include: (1) re-creation, or the in situ creation of a presumed earlier state based on surviving evidence from the place and other sites, and on deductions derived from such evidence using new materials; and (2) replication, or the construction of a copy;
  98. **'Records'** shall refer to recorded information in whatever format produced or received in the initiation, conduct or completion of an institutional or individual activity and that comprises content, context, and structure sufficient to provide evidence of the activity;
  99. **'Registered enterprise'** shall refer to an enterprise located within a TEZ that is duly-registered with the TIEZA;
  100. **'Registry'** shall refer to the Philippine Registry of Heritage (PREH) which is a repository of the listings, documentations, and statements of significance of all cultural properties of the country deemed locally and nationally significant;
  101. **'Restoration'** shall refer to the repair of a cultural property to its original condition using appropriate materials, methodologies, forms, and technology;
  102. **'Safeguarding'** shall refer to measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, and revitalization of the various aspects of such heritage;
  103. **'Setting'** is an integral component of built heritage, and it comprises the immediate and extended environment of a place that is part of or contributes to its cultural significance;

104. **'Significant cave'** shall refer to a cave which contains materials or possesses features that have archaeological, cultural, ecological, historical or scientific value as determined by the DENR in coordination with the scientific community and the academe;
105. **'Significance'** shall refer to the quality of being worthy of attention and importance. It is the summation of the different values of heritage attached to cultural property;
106. **'Special collection'** shall refer to materials within a library, which are "special" in nature which are typically stored because they are unusually valuable, rare, and unique. It also includes rare books, archives, and collected manuscripts;
107. **'Speleogem'** shall refer to relief features on the walls, ceilings and floor of any cave or lava tube which are part of the surrounding bedrock, including but not limited to anastomoses, scallops, meander niches, petromorphs and rock pendants in solution caves and similar features unique to volcanic caves;
108. **'Speleothem'** shall refer to any natural mineral formation or deposit occurring in a cave or lava tube, including but not limited to any stalactite, stalagmite, helictite, cave flower, flowstone, concretion, drapery, rimstone or formation of clay or mud;
109. **'Stakeholders'** shall refer to the community, institutions (public and private), and conservation practitioners affected by, involved with, or interested in a heritage site, space, and/or their associated environments;
110. **'Subcommissions'** shall refer to the four subcommissions of the Commission: (1) Cultural Communities and Traditional Arts, (2) Cultural Heritage, (3) the Arts, and (4) Cultural Dissemination pursuant to Sections 9 and 15 of R.A. 7356;
111. **'Tangible cultural property'** shall refer to a cultural property with historical, archival, anthropological, archaeological, artistic, architectural, and scientific value, and with exceptional or traditional production, whether of Philippine origin or not, including antiques and natural history specimens with significant value;
112. **'TEZ operator'** shall refer to an entity duly incorporated under Batas Pambansa Blg. 68, otherwise known as The Corporation Code of the Philippines, and other relevant laws, whose capital may be provided by LGUs and/or private entities, and which shall administer and supervise each TEZ;
113. **'Tourism Enterprise Zone (TEZ)'** shall refer to tourism enterprise zones created pursuant to R.A. No. 9593;
114. **'Underwater cultural heritage'** shall refer to all traces of human existence having a cultural, historical or archaeological character which have been



- partially or totally under water, periodically or continuously, for at least 100 years;
115. **'UNESCO'** shall refer to the United Nations Educational, Scientific and Cultural Organization;
  116. **'UNESCO Lists of Intangible Cultural Heritage'** shall refer to the (1) Representative List of the Intangible Cultural Heritage of Humanity and (2) List of Intangible Cultural Heritage in Need of Urgent Safeguarding. Intangible heritage elements in the two lists include representations, expressions, knowledge, and skills, and the instruments, objects, artifacts and cultural spaces associated therewith that UNESCO recognizes to be of international significance. The Register of Good Safeguarding Practices does not inscribe intangible cultural heritage elements but rather projects, programs and activities that reflect the principles of the 2003 Convention;
  117. **'Vintage vehicle'** shall refer to a motor vehicle, whether powered by an internal combustion engine, electricity, a combination of both, or other means, that is at least forty (40) years old reckoned from the date of manufacture, whose chassis, engine, steering assembly, and suspension assembly are either original or authentic and whose body has not been altered in general appearance, subject only to the exceptions in Section 12 of R.A. No. 11698. It shall exclude replicas and reproductions of vintage vehicles;
  118. **'Wetlands of International Importance (Ramsar sites)'** shall refer to representative, rare or unique wetlands, or wetlands that are important for conserving biological diversity that are recognized by the Ramsar Convention on Wetlands in its list of wetlands of international importance on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology;
  119. **'Work of fine art'** shall refer to all original works of art like paintings, sculpture, drawings and art work produced in multiples such as graphic and photographic works and sculpture casts, but shall not include works intended to be mass-produced for commercial use;
  120. **'Works by a Manlilikha ng Bayan'** shall refer to works of Manlilikha ng Bayan within their respective intangible cultural heritage domains;
  121. **'Works by a National Artist'** shall refer to works of National Artists within their respective artistic fields;
  122. **'Works of National Heroes'** shall refer to objects crafted by acclaimed national heroes, ascertained by the NHCP as personalities whose deeds inspired the Filipinos to have a concept of a nation and to contribute to the defense, interest, betterment, and quality of life of their fellow countrymen, society, and homeland;

123. **'Works of National Scientists'** shall refer to objects from the work of recipients of the Order of National Scientists;
124. **'Works of National Social Scientists'** shall refer to objects from the work of recipients of the Order of National Social Scientists;
125. **'World Heritage Convention'** shall refer to the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage of UNESCO;
126. **'World Heritage sites (WHS)'** shall refer to cultural and natural heritage properties considered to be of outstanding universal value to humanity that are inscribed in the UNESCO World Heritage List. State parties recognize their duty of ensuring the identification, protection, conservation, presentation, and transmission of these properties to future generations and will do all it can to this end, to the utmost of its own financial, artistic, scientific and technical resources;
127. **'World Heritage Tentative List'** shall refer to the inventory of properties submitted to UNESCO which each state party intends to consider for nomination to the World Heritage List; and
128. **'World Network of Biosphere Reserves'** shall refer to the list of terrestrial, marine, and coastal ecosystems considered by UNESCO to be of world significance. Biosphere reserves are learning places for sustainable development and sites for testing interdisciplinary approaches to understanding and managing changes and interactions between social and ecological systems, including conflict prevention and management of biodiversity.

**Section 8.1. Other Definitions.** – In the absence of definitions explicitly provided under the Act or these Rules, definitions from the following shall be applied:

1. Other Philippine laws and regulations on cultural heritage conservation and education
2. National and international charters on cultural heritage conservation
3. Technical references, journals, publications on cultural heritage conservation
4. The ordinary usage of the term.

**Section 9. Applicable Standards.** – In the designation and management of cultural property, the following national and international charters, documents, and recommendations may serve as guidelines, as relevant to the property being conserved:

1. **Philippine Heritage Charter for Heritage Sites and Spaces, and Their Associated Environments (2021)**
2. **Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance (2013)**
3. **UNESCO Recommendation on the Historic Urban Landscape (2011)**
4. **Declaration of San Antonio on Authenticity (1996)**
5. **Nara Document on Authenticity (1994)**
6. **International Charter for the Conservation and Restoration of Monuments and Sites (1964)**
7. **ICOMOS International Charter for Cultural Heritage Tourism (2022): Reinforcing cultural heritage protection and community resilience through responsible and sustainable tourism management**
8. **Hoi An Protocols for Best Conservation Practice in Asia: Professional guidelines for assuring and preserving the authenticity of heritage sites in the context of the cultures of Asia (2009)**
9. **ICOMOS Charter for the Interpretation and Presentation of Cultural Heritage Sites (2008)**
10. **ICOM Code of Ethics for Museums (2004)**
11. **Nizhny Tagil Charter for the Industrial Heritage (2003)**
12. **ASEAN Declaration on Heritage Parks (2003)**
13. **ASEAN Declaration on Cultural Heritage (2000)**
14. **ICOMOS Charter on the Protection and Management of Underwater Cultural Heritage (1996)**
15. **ICOMOS Charter for the Protection and Management of the Archaeological Heritage (1990)**
16. **The Washington Charter: Charter on the Conservation of Historic Towns and Urban Areas (1987)**
17. **Circular Letter on the Care of the Church's Historical and Artistic Heritage (1971)**
18. **UNESCO Recommendation on International Principles Applicable to Archaeological Excavations (1956)**
19. **Other charters, declarations, and other similar authoritative documents on cultural heritage conservation issued by the United Nations (UN), Association of Southeast Asian Nations (ASEAN), United Nations Educational Scientific and Cultural Organization (UNESCO), International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the International Council on Monuments and Sites (ICOMOS), International Council of Museums (ICOM), and The International Committee for the Conservation of the Industrial Heritage (TICCIH) as appropriate to the object or place being conserved.**

The following international conventions are to be applied when the Philippines is a State Party, or may nevertheless be a source of principles and custom under international law even when the Philippines is not a State Party, as relevant to the property being conserved:

1. 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict
2. 1982 Convention on the Law of the Sea (UNCLOS) ¶
3. 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
4. 1972 Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention)
5. 2001 Convention on the Protection of Underwater Cultural Heritage
6. 2003 Convention for the Safeguarding of the Intangible Cultural Heritage
7. 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions

## BOOK 2 - HERITAGE REGULATION

### RULE IV - CULTURAL PROPERTY AND NATURAL PROPERTY OF CULTURAL SIGNIFICANCE

**Section 10. Categories.** – The cultural property and natural property of cultural significance of the country whether owned publicly or privately, movable or immovable, and tangible or intangible shall be categorized as follows:

- (a) Grade I Level: National Cultural Treasures; National Historical Shrines; National Historical Monuments; National Historical Landmarks; and World Heritage sites (WHS) and other cultural and natural heritage properties or elements inscribed or designated by international conventions including but not limited to the UNESCO Lists of Intangible Cultural Heritage, Memory of the World, World Network of Biosphere Reserves, Global Geopark Network, Wetlands of International Importance or Ramsar sites, ASEAN Heritage Parks, Globally Important Agricultural Heritage Systems (GIAHS), Nationally Important Agricultural Heritage Systems (NIAHS), and NIAHS sites;
- (b) Grade II Level: Declared Important Cultural Properties, natural properties of cultural significance covered by or located within a Protected Area under the ENIPAS Act, declared archaeological sites, Heritage Houses, Historic Sites, heritage trees, Heritage Zones, other marked structures, and all Gabaldon school buildings.

Presumed Important Cultural Properties shall have the same level of protection as Grade II Level cultural properties unless such presumption is removed by the Commission and/or the appropriate cultural agency; and

- (c) Grade III Level: All other cultural property, and natural property of cultural significance not covered by or located within a Protected Area under the ENIPAS Act in the Philippine Registry of Heritage (PREH), including those declared by local government units (LGUs).

**Section 10.1. Core and Buffer Zones.** – All declared immovable properties shall have designated core zones and buffer zones. The Commission and/or the appropriate cultural agency shall designate core and buffer zones for immovable cultural properties declared prior to these Rules, and shall issue guidelines for their management, which shall form part of these Rules as Annex 1.

**Section 11. Jurisdiction.** – The cultural properties listed above shall be under the jurisdiction of the following government agencies that shall determine the rationale for each grade level in accordance with their respective mandates stated in the Act and all other existing and applicable laws:

GRADING LEVEL	DECLARATION	RESPONSIBLE AGENCIES
Level I	National Cultural Treasures, both movable and immovable, tangible and intangible	NCCA and/or appropriate cultural agency
	National Historical Shrines	NHCP
	National Historical Monuments	NHCP
	National Historical Landmarks	NHCP
	World Heritage sites	UNACOM as coordinating agency, NCCA (for cultural) and/or DENR BMB (for natural), site managers
	UNESCO Lists of Intangible Cultural Heritage: Representative List of the Intangible Cultural Heritage of Humanity and List of Intangible Cultural Heritage in Need of Urgent Safeguarding	UNACOM, NCCA
	Memory of the World (MOW) International Register, Memory of the World Committee for Asia and the Pacific (MOWCAP) Register, and MOW National Register	UNACOM as lead, through its MOW National Committee
	World Network of Biosphere Reserves	DENR BMB as lead, in coordination with UNACOM
	Global Geoparks Network	UNACOM as lead, in coordination with DENR MGB, DENR BMB

	Wetlands of International Importance (Ramsar List)	DENR BMB
	ASEAN Heritage Parks	DENR BMB
	Globally Important Agricultural Heritage Systems (GIAHS), Nationally Important Agricultural Heritage Systems (NIAHS), and NIAHS sites	NIAHS Executive Committee led by the Department of Agriculture (DA) with NCCA, NCIP, and DENR BMB
Level II	Important Cultural Properties, including those presumed to be Important Cultural Properties, both movable and immovable, tangible and intangible	NCCA and/or appropriate cultural agency
	Archaeological Sites and artifacts	NCCA
	Heritage Houses	NHCP
	Historic Sites	NHCP
	Heritage Zones (declared by the national government)	NCCA and/or NHCP, in coordination with the city or municipal LGU where the heritage zone is located
	Marked Structures	Appropriate cultural agency
	Gabaldon School Buildings	DepEd as lead, in coordination with NCCA and NHCP
	Natural Property of Cultural Significance covered by ENIPAS	DENR BMB
Level III	All other cultural property and natural property of cultural significance in the Philippine Registry of Heritage	Appropriate cultural agency, DENR BMB, and/or local government unit (in cases of local declarations)

**Section 11.1. Globally Important Agricultural Heritage Systems (GIAHS), Nationally Important Agricultural Heritage Systems (NIAHS), and NIAHS Sites.** As cultural properties designated by the UN FAO and related recognition on the national level, Globally Important Agricultural Heritage Systems (GIAHS), Nationally Important Agricultural Heritage Systems (NIAHS) or NIAHS sites shall be considered Grade I Level cultural properties.

DA-DENR-NCIP-NCCA Joint Memorandum Circular No. 01, Series of 2023 otherwise known as the 'Rules and Regulations Governing the Recognition and Confirmation of Nationally Important Agricultural Heritage Systems (NIAHS) and Providing Appropriate Mechanisms for their Dynamic Conservation and Sustainable Use' shall be in use and form part of these Rules as Annex 2.

**Section 11.2. Cultural Properties in Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).** – For cultural properties located within the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), the Bangsamoro Commission for the Preservation of Cultural Heritage (BCPCH) shall have jurisdiction over these in accordance with Article IX, Section 26 of R.A. No. 11054, otherwise known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao.”

**Section 11.3. Historic Objects.** – Pursuant to the Act, the NHCP may declare historic objects as National Cultural Treasures or Important Cultural Properties for them to be included in the Registry.

**Section 11.3.1 Vintage Vehicles Having Historical Significance.** – Vintage vehicles, as covered by R.A. No. 11698, otherwise known as Vintage Vehicle Regulation Act, shall not be automatically included in the Registry unless they have historical significance to the country.

Pursuant to Rule V, Section 2 of the IRR of R.A. No. 11698, the following vintage vehicles shall be considered as having historical significance to the country:

- (a) Those currently or previously in the ownership of any President of the Philippines;
- (b) Those regularly used as an official vehicle of the President of the Philippines or officially designated as such by the Presidential Security Group (PSG) or any of its legal predecessors or successors;



- (c) Those used as a private vehicle of the President of the Philippine during their term on a regular basis, and those used by the President on historic events;
- (d) Those in the ownership or once owned by a person of historic significance as recognized by the NHCP, and those used by such person during a historic event;
- (e) Those used in events of historic significance that are considered one-of-a-kind or unique; and
- (f) Those used during periods prior to the common use of automobiles in the Philippines.

These shall be considered Grade III Level cultural properties unless declared by the NHCP as National Cultural Treasures or Important Cultural Properties.

**Section 11.3.2. Antique Firearms.** – Antique firearms, as covered by R.A. No. 10591, otherwise known as the Comprehensive Firearms and Ammunition Regulation Act, shall not be automatically included in the Registry unless they have historical significance to the country, and are declared by the NHCP as National Cultural Treasures or Important Cultural Properties.

In accordance with R.A. No. 10591, any person who possesses an antique firearm shall register the same and secure a collector's license from the Firearms and Explosive Office (FEO) of the Philippine National Police (PNP). Proper storage of antique firearm shall be strictly imposed.

**Section 11.4. National Shrines and/or Military Shrines.** – The Commission and the NHCP shall coordinate with the Veterans Memorial and Historical Division of the Philippine Veterans Affairs Office (PVAO) for the protection of cultural properties declared as National Shrines and/or Military Shrines and their inclusion in the Registry.

**Section 12. 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:

**Section 12.1. Works by a Manlilikha ng Bayan.** – Works by a Manlilikha ng Bayan shall be considered Important Cultural Property, unless declared or its presumption removed by the Commission. The Commission shall issue

guidelines specific to wearable and movable works that will rationalize the limitations on their exportation and modification, that shall form part of these Rules as Annex 3, so as not to create unreasonable regulatory bottlenecks for the public and the Commission.

**Section 12.2. Works by a National Artist.** – Works by a National Artist shall be considered Important Cultural Property, unless declared or its presumption removed by the Commission.

**Section 12.3. Archaeological and Traditional Ethnographic Materials.** – All archeological and traditional ethnographic materials shall be considered Important Cultural Property, unless declared or its presumption removed by the Commission.

**Section 12.3.1 Archaeological Materials.** – For the purposes of these Rules, archaeological materials shall refer to fossils, artifacts or ecofacts, and other cultural, geological, botanical, and zoological materials that depict and document culturally relevant paleontological, prehistoric, or historic events, whether above or below ground, underwater, or at sea level.

**Section 12.3.2 Traditional Ethnographic Materials.** – For the purposes of these Rules, traditional ethnographic materials shall refer to objects with established historical, cultural, and/or aesthetic significance considered by cultural communities as significant to them and are validated by an expert/s designated by the Commission in ethnographic materials and/or anthropology.

**Section 12.4. Works of National Heroes, Structures Marked by the NHCP, and Structures at least Fifty (50) Years Old.** – Unless declared or its presumption removed by the NHCP, the works of national heroes, movable or immovable structures marked by the NHCP or any of its predecessor agencies, or structures at least fifty (50) years old, shall be considered Important Cultural Property.

**Section 12.4.1. Works of National Heroes.** – For purposes of these Rules, this provision shall refer to objects crafted by acclaimed national heroes ascertained by the NHCP as personalities whose deeds inspired the Filipinos to have a concept of a nation and to contribute to the defense, interest, betterment, and quality of life of their fellow countrymen, society, and homeland.

**Section 12.4.2 Structures Marked by the NHCP.** – Marked structures and sites shall include movable or immovable structures marked by the NHCP or any of its predecessor agencies, including National Historical Landmarks, National Historical Monuments, National Historical Shrines, Heritage Houses, Historic Sites, and classified structures and sites as defined under Republic Act No. 10086, provided that such markers identify the significance of the site or structure being recognized.

**Section 12.4.3. Structures at least Fifty (50) Years Old.** – For purposes of these Rules, this provision shall refer to structures at least fifty (50) years old that possess potential historical, cultural, architectural, artistic, and/or scientific value of national significance. Given the respective jurisdictions and competencies of the cultural agencies as regards these different values as provided under Section 34 of the Republic Act No. 11961, Section 5 of Republic Act No. 10086, Section 30 of Republic Act No. 11333, among others, the procedure for declaration or removal of presumption of status of Important Cultural Property of structures at least fifty (50) years old shall be governed by Rule VII below.

**Section 12.5. Archival Materials or Documents.** – Unless declared, or its presumption removed by the National Archives of the Philippines (NAP), archival materials or documents at least fifty (50) years old that possess potential national significance shall be considered Important Cultural Property.

**Section 12.6. Rare Books and Incunabula.** – Unless declared, or its presumption removed by the National Library of the Philippines (NLP), rare books, special collections, and incunabula that possess potential national significance shall be considered Important Cultural Property.

**Section 12.7. Works of National Scientists and National Social Scientists.** Pursuant to P.D. No. 1003-A and E.O. No. 236, s. 2003 entitling National Scientists to privileges enjoyed by National Artists, and entitling National Social Scientists to privileges enjoyed by National Scientists, to protect the culturally-significant works of National Scientists and National Social Scientists, the Commission, through these Rules, shall consider those works as presumed Important Cultural Properties unless declared, or its presumption removed by the Commission.

**Section 13. World Heritage Sites.** – The Commission, together with either the NMP or the NHCP, shall closely collaborate with the UNESCO National Commission of the Philippines (UNACOM) in ensuring the conservation and management of cultural World Heritage sites (WHS) in the Philippines. The DENR Biodiversity Management Bureau (BMB) shall closely collaborate with the UNACOM in ensuring the conservation and management of natural WHS. The Commission, DENR BMB, and UNACOM shall closely collaborate with each other in ensuring the conservation and management of mixed WHS.

**Section 14. Gabaldon School Buildings as Cultural Properties.** – R.A. No. 11194, otherwise known as the Gabaldon School Buildings Conservation Act, and its IRR, created specific provisions for Gabaldon school buildings. Pursuant to the IRR of R.A. No. 11194, Gabaldon school buildings shall include:

- (1) School buildings designed and built by the Bureau of Architecture and Construction of Public Buildings for the Bureau of Education from 1910 to 1940;
- (2) Ancillary structures integral to the Gabaldon school buildings; and
- (3) Other heritage structures within the school complex.

All Gabaldon school buildings are recognized as Grade II Level properties by the Act and these Rules.

**Section 15. Preservation of the Cultural Heritage of the Bangsamoro People.** – The Bangsamoro Government shall preserve the history, culture, arts traditions, and the rich cultural heritage of the Bangsamoro people and their Sultanates, such as those of Sulu, Maguindanao, Kabuntalan, Buayan, the Royal House of Lanao and of the Iranun, and the non-Moro Indigenous peoples of the BARMM.

**Section 15.1. Arts and Culture in the BARMM.** – Sections 24 to 26 of Republic Act No. 11054, otherwise known as the Organic Law for the BARMM, discuss the preservation of the cultural heritage of the Bangsamoro People, the primary responsibility of the BCPCH, and the management of Bangsamoro historical and cultural sites respectively.

**Section 15.2. Coordination with the Bangsamoro Commission for the Preservation of Cultural Heritage (BCPCH).** – The BCPCH shall coordinate with the Commission and other relevant national government agencies for the implementation of the Act and these Rules.

**Section 15.3. Regional Cultural Properties.** – The Bangsamoro Government may promulgate its own laws for the declaration of its Regional Cultural Properties. Copies of local laws related to heritage regulation in the BARMM shall be transmitted to the Commission within three months of enactment.

**Section 15.4. National Declarations.** – Only the Commission and/or the appropriate cultural agency may declare Grade I or II Level cultural properties. The BCPCH shall coordinate with the Commission and/or the appropriate cultural agency for securing national-level declarations within the BARMM.

**Section 16. Heritage Trees.** – Heritage Trees are trees declared by the DENR and/or its agencies and regional offices because it forms part of the country's natural heritage of cultural significance, or by the NHCP or any of its predecessor agencies because of a tree's historical significance. Heritage Trees are recognized as Grade II Level properties in the Act and these Rules.

**Section 16.1. Philippine Centennial Trees Declared by the DENR.** DENR – Department Administrative Order (DAO) No. 98-25 declaring the Philippine Centennial Trees as protected trees, designated thirteen Centennial Trees. The trees, and those designated after the DAO, shall be considered Heritage Trees under these Rules.

**Section 16.2. Heritage Trees Declared by DENR Agencies or Regional Offices.** – DENR NCR Memorandum Order (MO) No. 1, series of 2009 describes heritage trees as “any healthy native or endemic, exotic, rare, threatened and endangered trees with a minimum girth (circumference) of 100 cm (measures one-half meter above the ground).” Heritage Trees designated by a DENR agency or regional office shall be considered Heritage Trees under these Rules.

**Section 16.3. Katipunan Tree and Other Historic Trees.** – The Katipunan Tree in Novaliches, Quezon City and other historic trees previously designated by the NHCP or any of its predecessor agencies, shall be considered Heritage Trees under these Rules. The NHCP no longer designates historic trees.

**Section 16.4. Inventory of Heritage Trees.** – The DENR, through its regional offices using the Commission-prescribed format, shall furnish an inventory of heritage trees to the Commission for incorporation into the Registry.

**Section 17. Works of Filipino Masters.** – All works of Filipino masters are automatically Grade 2 Level unless specific works or the entire body of work of a

specific artist are otherwise declared by the Commission or the NMP. The Commission shall publish a core list of Filipino masters approved by board resolution that shall be periodically reviewed and updated, which shall form part of these Rules as Annex 4.

**Section 18. Local Government Unit (LGU) Declarations.** – Republic Act No. 7160, otherwise known as the Local Government Code of 1991, particularly Section 16 thereof, mandates that local government units ensure and support the preservation and enrichment of culture and to preserve the comfort and convenience of their inhabitants. LGUs may declare and protect cultural properties of local significance by enacting the appropriate local ordinances subject to the guidelines on LGU declarations to be issued by the Commission, which shall form part of these Rules as Annex 5.

**Section 18.1. Provincial Cultural Properties.** – Provincial LGUs may declare and protect Provincial Cultural Properties by enacting the appropriate provincial ordinances. Section 468(a) 2(vi) of Republic Act No. 7160 empowers the Sangguniang Panlalawigan to prescribe reasonable limits and restraints on the use of property within the jurisdiction of the province. Such local ordinances shall include the grant of privileges for locally-declared cultural properties or incentives for conservation efforts to the extent that the mandate of LGUs allow.

**Section 18.2. City Cultural Properties and Heritage Zones.** – City LGUs may declare and protect City Cultural Properties or Heritage Zones by enacting the appropriate city ordinances. Section 458(a) 2(vi) of Republic Act No. 7160 empowers the Sangguniang Panlungsod to prescribe reasonable limits and restraints on the use of property within the jurisdiction of the city. Such local ordinances shall include the grant of privileges for locally-declared cultural properties or incentives for conservation efforts to the extent that the mandate of LGUs allow.

**Section 18.3. Municipal Cultural Properties and Heritage Zones.** – Municipal LGUs may declare and protect Municipal Cultural Properties or Heritage Zones by enacting the appropriate municipal ordinances. Section 447(a) 2(vi) of Republic Act No. 7160 empowers the Sangguniang Bayan to prescribe reasonable limits and restraints on the use of property within the jurisdiction of the municipality. Such local ordinances shall include the grant of privileges for locally-declared cultural properties or incentives for conservation efforts to the extent that the mandate of LGUs allow.

**Section 18.4. Barangay Cultural Properties.** – Barangay LGUs may declare and protect Barangay Cultural Properties by enacting the appropriate barangay ordinances.

**Section 18.5. Transmitting Ordinances to the NCCA.** – Copies of local ordinances related to heritage declaration and regulation shall be transmitted to the Commission within three months of enactment. Locally-declared properties shall be indicated as Grade III Level properties, however noting that properties that are also presumed Important Cultural Properties shall still be considered Grade II Level properties unless declared or the presumption removed by the Commission and/or the appropriate cultural agency.

**Section 19. Privileges for Cultural Property.** – All declared Grade I or Grade II Level cultural properties, whether publicly- or privately-owned, shall be entitled to the following privileges subject to the availability of funds, the processes and existing policies of the appropriate cultural agency, and Heritage Agreements where necessary:

- (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 Grade I and Grade II Level cultural properties;
- (c) An official heritage marker to be placed by the pertinent cultural agency indicating the official designation of the cultural property;
- (d) Priority government protection for all Grade I or Grade II Level cultural properties in times of armed conflict, natural disasters or hazards, and other exceptional events that endanger the cultural heritage of the country; and
- (e) Priority protection from modification or demolition resulting from all government projects. Government projects that may potentially affect the integrity of any Grade I or Grade II Level property must consult with the Commission at the planning stages. The process for coordination of said government projects is outlined in Section 36 of these Rules.

#### **RULE V - REGISTRATION AND PRESERVATION OF CULTURAL PROPERTY AND NATURAL PROPERTY OF CULTURAL SIGNIFICANCE**

**Section 20. Establishment and Maintenance of a Philippine Registry of Heritage.** – All cultural properties and natural properties of cultural significance shall be registered in the Philippine Registry of Heritage (PREH), which shall also now be

known as the *Talapamana ng Pilipinas*. The Commission, in coordination with the appropriate cultural agencies, DepEd, UNACOM, DENR BMB, BCPCH, LGUs, and other government entities, shall establish and maintain this Registry.

**Section 20.1. Renaming of the Philippine Registry of Cultural Property to Philippine Registry of Heritage.** – The Philippine Registry of Cultural Property established under Section 14 of Republic Act No. 10066 is hereby renamed as the Philippine Registry of Heritage (PREH) which shall also now be known as the *Talapamana ng Pilipinas*.

**Section 21. Registration.** – All government agencies concerned shall individually maintain and come up with an inventory, evaluation, and documentation of all Grade I, II, and III Level cultural properties and natural properties of cultural significance they have declared and shall submit the same to the Commission for inclusion in the Registry.

**Section 21.1. Coordination of the National Registry of Historic Sites and Structures.** – All cultural properties in the National Registry of Historic Sites and Structures, including the appropriate declarations, documentations, map of core and buffer zones, shall be submitted by the NHCP to the Commission for inclusion in the Registry database. The NHCP shall also furnish the Commission with copies of new declarations and related documents for inclusion in the Registry within three months of any new declaration.

**Section 21.2. Inventory of Government-owned Cultural Properties.** – All government agencies and instrumentalities, government-owned and/or -controlled corporations (GOCCs) and their subsidiaries, including public educational institutions, shall determine their ownership and/or possession of such properties, including those presumed Important Cultural Properties, and shall register them with the Commission for immovable cultural properties, and with both the Commission and NMP for movable cultural properties. They shall also report any plans to the Commission prior to the renovation, demolition, or disposition of such properties. The Commission shall ensure proper dissemination and that all government agencies and instrumentalities, GOCCs and their subsidiaries, are aware of this provision.

**Section 21.2.1. Movable Cultural Properties and Collections of the National Government.** – Pursuant to Section 24 of R.A. No. 11333, all movable cultural properties, including natural history specimens, owned by the National Government that fall within the coverage of the NMP as



provided for in R.A. No. 10066 and R.A. No. 11333, particularly works of fine and applied art, archaeological and historical artifacts, relics of built heritage, and ethnographic materials of national significance, shall be registered with both the Commission and NMP and form part of a general inventory and catalogue of National Government collections in these areas. The inventory shall be updated annually thereafter to incorporate any changes as reported by the agencies concerned to the NMP. Such National Government collections shall be considered as being held in trust for the Filipino people and shall not be alienated or otherwise disposed of without the approval of the NMP, in accordance with its policies on de-accessioning as provided for in R.A. No. 11333. The Commission and NMP shall issue joint guidelines on the registration of movable cultural properties owned by the government.

**Section 21.2.2. Missing or Stolen Government-owned Cultural Properties.** – Cultural properties that are listed in the inventories of government agencies and instrumentalities but are currently unaccounted for shall be reported to the Commission and NMP as missing or stolen in order to facilitate retrieval in case these cultural properties are located in the future.

**Section 21.2.3. Insurance for Government-owned Cultural Properties.** – Pursuant to R.A. No. 656, otherwise known as the Property Insurance Law, the Commission shall endeavor to ensure that all Grade I and II Level cultural properties owned by the government are properly insured with the Property Insurance Fund managed by the Government Service Insurance System (GSIS) against any insurable risk including any damage to, or loss of, the properties due to fire, earthquake, storm, or other casualty, and shall coordinate with the GSIS for this purpose.

**Section 21.3. Inventory of Gabaldon School Buildings.** – An inventory of all Gabaldon school buildings, whether fully functional or condemned, in all public elementary and secondary schools, shall be jointly undertaken by the Department of Education (DepEd) and the Commission to determine the physical status of each structure. The Commission shall also make an inventory of Gabaldon school buildings that are not properties of DepEd. These inventories shall be included in the Registry.

**Section 21.4. Intangible Cultural Heritage in the Registry.** – Intangible cultural heritage (ICH) elements declared by the Commission as National Cultural Treasures or Important Cultural Properties shall be included in the Registry.

**Section 21.4.1. National Inventory of Intangible Cultural Heritage.** – The Commission shall closely collaborate with the UNACOM in the implementation of the provisions of the UNESCO conventions to which the Philippines is a signatory. The Convention for the Safeguarding of the Intangible Cultural Heritage (2003) requires each State Party to draw up inventories of the ICH present in its territory. The Commission shall establish these ICH inventories and shall regularly update them. The ICH inventories shall be included in the Registry.

**Section 21.4.2. Coordination with UNACOM.** – The Philippine Intangible Cultural Heritage Committee established by UNACOM shall continue to take the lead role in implementing the provisions of the 2003 Convention with particular attention to Article 11 to 15 of the said Convention. The Commission may sign an agreement with UNACOM to delineate roles and responsibilities.

**Section 21.5. Inventories of the Cultural Center of the Philippines (CCP).** – All cultural properties in the inventories of the CCP shall be submitted to the Commission for inclusion in the Registry database. The CCP shall also furnish the Commission with copies of new entries and related documents for inclusion in the Registry within three months of any new entry.

**Section 21.6. Repositoryo ng Wika at Kultura ng Pilipinas of the Komisyon sa Wikang Filipino (KWF).** – All cultural properties in the KWF Repositoryo ng Wika at Kultura ng Pilipinas shall be submitted to the Commission for inclusion in the Registry database. The KWF shall also furnish the Commission with copies of new entries and related documents for inclusion in the Registry within three months of any new entry.

**Section 21.7. Inventory of Cultural Heritage of the Roman Catholic Church (RCC) in the Philippines.** – Pursuant to the National Agreement between the National Commission for Culture and the Arts (NCCA) and the Catholic Bishops Conference of the Philippines (CBCP) on the Cultural Heritage of the Catholic Church in the Philippines (2016) or the NCCA-CBCP National Agreement,

The Commission and CBCP shall assist each other in compiling a detailed national inventory and catalogue, in the documentation of the cultural heritage of the Roman Catholic Church (RCC) in the Philippines.

**Section 21.7.1. Ecclesiastical Objects in Museums.** – Objects already in museums under the jurisdiction of the RCC and of government should be inventoried and catalogued in accordance with the provisions of the NCCA–CBCP National Agreement and pertinent government inventory rules and regulations as the case may be, and such inventories and catalogues shall be made accessible to both the Commission and CBCP.

**Section 21.8. Local Cultural Inventory.** – LGUs, through their designated cultural offices, shall maintain a local cultural inventory (LCI) that includes cultural properties and natural properties of cultural significance under their jurisdiction and shall furnish the Commission a copy of the same.

**Section 21.8.1. LGU Declared Properties.** – Copies of local ordinances declaring and/or protecting local cultural property and heritage zones shall be transmitted to the Commission within three months of enactment so that they may be indicated as Grade III Level properties in the Registry.

Locally-declared cultural properties may have overlapping grade levels if the same cultural properties are declared as Grade I and/or II Level by the Commission and/or the appropriate cultural agency. Locally-declared cultural properties that are presumed Important Cultural Properties shall remain and be tagged as such in the Registry and considered Grade II Level properties unless declared or the presumption removed by the Commission and/or the appropriate cultural agency. In all cases of overlap, the highest applicable grade level and corresponding protections shall be applied to each cultural property.

**Section 21.8.2. Proper Identification of Designations in Local Inventories.** – LGUs shall indicate in their inventories which properties are (1) declared at the international and national level, indicating specific grade levels and all designations, (2) presumed Important Cultural Properties, and/or (3) declared and protected by local ordinance, noting that each property may have several designations. All these designations must be clearly indicated in the local inventories. The Commission shall

instruct the LGUs to correct any errors with regard to the tagging of international and national designations in their local inventories.

**Section 21.8.3. DILG-NCCA Joint Guidelines.** – Until new joint guidelines are issued by the DILG and NCCA, which shall form part of these Rules as Annex 6, DILG-NCCA Joint Memorandum Circular No. 01 series of 2021 or the ‘Guidelines on the Standardized Submission of Local Cultural Inventory Under the Philippine Registry of Cultural Property for the Issuance of Certificate of Compliance to Local Government Units’ shall be in use.

**Section 21.9. Cultural Properties of ICCs/IPs.** – The inclusion in the Registry of the cultural properties and natural properties of cultural significance belonging to the indigenous cultural communities or indigenous peoples (ICCs/IPs) shall be subject to prior consultation with ICCs/IPs and to their free, prior and informed consent (FPIC) as provided in Section 16 of the Act.

**Section 21.9.1. Registry for Indigenous Knowledge Systems and Practices.** – All IKSPs in the NCIP Registry for Indigenous Knowledge Systems and Practices shall be submitted to the Commission for inclusion in the Registry database. The NCIP shall also furnish the Commission with copies of new entries and related documents for inclusion in the Registry within three months of any new entry.

**Section 21.10. UNESCO Designations for Cultural Properties and Elements.** – The UNACOM shall inform the Commission of the designation of new properties or elements to the World Heritage List, Representative List of the Intangible Cultural Heritage of Humanity, List of Intangible Cultural Heritage in Need of Urgent Safeguarding, Memory of the World (MOW) International Register, MOW Committee for Asia and the Pacific (MOWCAP) Register, MOW National Register, World Network of Biosphere Reserves, and Global Geoparks Network, within three months of designation for inclusion as Grade Level I properties in the Registry.

**Section 21.11. Other International Designations.** – The DENR BMB shall inform the Commission of the designation of new Wetlands of International Importance (Ramsar sites) and ASEAN Heritage Parks within three months of designation for inclusion as Grade Level I properties in the Registry.

**Section 21.12. Future International Designations for Cultural Properties and Natural Properties of Cultural Significance.** – Properties inscribed or designated by future international conventions or designations shall be included as such in the Registry. The pertinent government agency shall inform the Commission within three months of designation for inclusion as Grade Level I properties in the Registry.

**Section 21.13. Globally Important Agricultural Heritage Systems (GIAHS), Nationally Important Agricultural Heritage Systems (NIAHS), and NIAHS Sites.** – The DA Bureau of Agricultural Research (BAR) and/or NIAHS Executive Committee shall inform the Commission of the designation of new GIAHS and NIAHS or NIAHS sites listed in the Registry of Declared NIAHS within three months of designation for inclusion as Grade Level I properties in the Registry.

**Section 21.14. Privately-Owned Cultural Property.** – Private collectors and owners of cultural property and natural properties of cultural significance shall register such properties. The private collectors and owners of cultural property and natural properties of cultural significance shall not be divested of their possession and ownership thereof even after registration of said property as herein required. Information on registered properties owned by private individuals shall remain confidential and may be given only upon prior consent of the private owner.

**Section 21.15. Guidelines Governing the Philippine Registry of Heritage.** – The ‘Guidelines Governing the Philippine Registry of Cultural Property (PRECUP)’ in Annex 7 shall be updated immediately to reflect the provisions of the Act and these Rules. The ‘Guidelines on Registration of Movable Cultural Properties’ and the ‘Registration of Endangered Immovable Cultural Properties to the Philippine Registry of Cultural Property’ found in Annexes 8 and 9 respectively, shall be updated immediately to reflect the provisions of the Act and these Rules.

**Section 22. Data Management Platform.** – The Commission shall immediately determine the appropriate data management platform to ensure proper data management, and data discovery and visualization in the Registry. This shall include a data management system to manage, define and structure data; and discovery and visualization tools to search, report and visualize data, including geospatial data. The Commission shall operate the Registry in the NCCA portal cultural databank.

**Section 22.1. Public Accessibility of the Registry.** – The Commission shall maintain a separate list for the public stating the categories and cultural properties thereunder for public access that will not disclose sensitive personal information that will be in violation of Republic Act No. 10173, the Data Privacy Act of 2012, including the ownership of cultural properties and the location of movable cultural properties.

**Section 22.2. Public Access to Data.** – All documents related to properties in the Registry, including but not limited to copies of all declarations and ordinances, maps of core and buffer zones, photos, conservation management plans (CMPs), heritage impact assessments (HIAs), archaeological impact assessments (AIAs), technical reports, and/or grant terminal reports, must be attached to its listing in the Registry, provided that public access to the documents shall not be in violation of Republic Act No. 10173, the Data Privacy Act of 2012.

**Section 23. Annotation of Titles of Grade I or Grade II Level Cultural Properties.** – For declared Grade I or Grade II Level cultural properties, the appropriate cultural agency shall, after registration, give a copy of the said declaration to the Registry of Deeds having jurisdiction over the said property, for annotation on the Certificate of Title covering said Grade I or Grade II Level immovable cultural property.

**Section 23.1. Guidelines for the Annotation on Land Titles.** – The Commission and the Land Registration Authority (LRA) shall promulgate joint guidelines for the annotation on the Certificate of Title covering Grade I or Grade II Level immovable cultural property, which shall form part of these Rules as Annex 10.

**Section 23.2. Metes and Bounds.** – The metes and bounds of the area subject to the declaration pertaining to immovable cultural property, particularly its core and buffer zones, must be specified. It may cover an area less than that covered by a specific Certificate of Title, or may encompass several or portions of several Certificates of Title.

**Section 24. Technical and Financial Assistance.** – The cultural agencies and LGUs concerned shall continuously coordinate in monitoring and updating their respective inventories of cultural property and of natural properties of cultural significance. The Commission shall provide LGUs with technical and financial assistance for the inventory and updating of locally and nationally declared cultural properties and natural properties of cultural significance and tangible and intangible heritage subject

to availability of funds and existing government accounting and auditing rules and regulations;

**Section 25. Registry Confidentiality.** – Information regarding private ownership of registered cultural properties and natural properties of cultural significance shall remain confidential in accordance with Republic Act No. 10173 or ‘The Data Privacy Act of 2012’ and may be given only upon prior consent of the private owner.

## **RULE VI - HERITAGE ZONES/DISTRICTS**

**Section 26. Designation of Heritage Zones.** – The Commission and the NHCP shall, in consultation with the Department of Human Settlements and Urban Development (DHSUD) and concerned LGUs and agencies, designate Heritage Zones to protect the historical and cultural integrity of a geographical area.

**Section 27. Guidelines on the Declaration and Management of Heritage Zones.** – The Commission and the NHCP, in consultation with DHSUD, shall promulgate guidelines on the declaration and management of heritage zones, which shall form part of these Rules as Annex 11. Heritage Zones shall have core zones and buffer zones. The allowable activities in core and buffer zones shall be outlined in the said guidelines.

The said joint guidelines shall adopt standards and regulations that reflect the latest national and international guidelines and principles and be promulgated within one (1) year from the approval of these Rules. Until such are promulgated, the “Guidelines, Policies and Standards for the Conservation and Development of Historic Centers/Heritage Zones” of the NHCP may be used.

**Section 27.1. Declared Heritage Zones.** – Heritage Zones shall be subject to the laws, rules, and regulations of the Commission, the DENR, and other appropriate government agencies, on Environmental Impact Assessments (EIAs), HIAs, and AIAs, and shall henceforth be considered culturally critical areas (CCAs) for purposes of complying with the requisites of the said laws, rules and regulations. The Commission shall coordinate with the DENR for inclusion of CCAs in the Philippine Environmental Impact Statement (EIS) System.

**Section 27.1.1. Locally-Declared Heritage Zones.** – Whenever an LGU declares a heritage zone by local legislation, it shall communicate the same with the Commission within three months after declaration. These

locally-declared Heritage Zones shall be considered Grade III Level in the Registry. The locally-declared Heritage Zone may overlap with Grade II Level protection if the Heritage Zone or portions of it are also declared by the Commission and/or NHCP, or by law, as a Heritage Zone at the national level, and Grade I Level if specific cultural properties within the Heritage Zone are declared as Grade I Level at the national level. In all cases of overlap, the highest applicable grade level and corresponding protections shall be applied to each cultural property.

**Section 27.1.2. Heritage Overlay Zones (HTG-OZs) in Comprehensive Land Use Plans (CLUPs) and Zoning Ordinances (ZOs) of LGUs. –**

Pursuant to Section 13.5 of Volume 3 of the HLURB CLUP Guidebook, all nationally- and locally-declared Heritage Zones shall be incorporated as Heritage Overlay Zones (HTG-OZs) in CLUPs and ZOs. This is overlain on top of the Base Zone or another Overlay Zone that provides an additional set (or layer) of regulations in an area identified to be historical, anthropological, archaeological, artistic geographic areas and settings that are culturally significant to the country, as declared by the Commission and/or the NHCP, and/or the LGU. The objectives are:

- (a) To preserve existing historic structures/sites; and
- (b) To harmonize the proportion, scale, design, and construction of new structures with the historic structures/sites.

**Section 27.2. Petition for Declaration of Heritage Zones. –** LGUs may apply through a petition with the Commission for the designation of a Grade II Level Heritage Zone in its jurisdiction. In cases when the NHCP receives a request directly, it shall acknowledge the request within the prescriptive period and act on it after furnishing the Commission with a copy.

**Section 27.3. Historic Urban Landscape Approach. –** The significance of heritage sites and spaces, and their associated environments should be made relevant to the present and the future. Change should be managed while maintaining the significance and identity of such places through appropriate development planning and management.

As part of the drafting of CMPs and development plans for Heritage Zones, its management shall be guided by the UNESCO Recommendation on the Historic Urban Landscape (2011). It provides the basis for a comprehensive and integrated approach for the identification, assessment, conservation and



management of historic urban landscapes within an overall sustainable development framework.

This approach is aimed at preserving the quality of the human environment, enhancing the productive and sustainable use of urban spaces, while recognizing their dynamic character, and promoting social and functional diversity. It integrates the goals of urban heritage conservation and those of social and economic development and is rooted in a balanced and sustainable relationship between the urban and natural environment, between the needs of present and future generations and the legacy from the past (UNESCO).

**Section 28. Maintenance of Heritage Zones.** – A Heritage Zone shall be maintained by the local government unit concerned, in close coordination with the appropriate cultural agency. The city or municipal LGU having jurisdiction over a Grade II Level declared Heritage Zone shall have the following guidelines:

- (a) LGUs shall incorporate the Commission, NHCP, or locally-declared heritage zone in the CLUP and ZO by:
  - (i) Delineating the said areas in the proposed land use and zoning maps;
  - (ii) Outlining building regulations and allowable uses/activities within the zone; and
  - (iii) Identifying specific policies, programs, projects, and activities for the development, management, protection, rehabilitation, and conservation of such areas.
- (b) LGUs shall prepare and issue a development plan and/or CMP involving the preservation, conservation, restoration, and maintenance of cultural and historical sites and structures for the enhancement and sustainability of tourism within the Heritage Zone after due consultation with stakeholders and within a period of one year after the effectivity of these rules for established Heritage Zones and within a period of one year after the declaration of subsequent Heritage Zones;
- (c) Fire and all relevant safety measures shall also be indicated in the development plan aforementioned;
- (d) No person, firm or entity, including any agency or instrumentality of government shall erect, construct, alter, repair, move, convert, or demolish any building or structure or cause the same to be done without first obtaining appropriate clearances in accordance with Republic Act No. 9514, otherwise known as the Fire Code of the Philippines, its

- Revised Implementing Rules and Regulations (RIRR), and other applicable laws and regulations;
- (e) Adaptive re-use of cultural property shall be implemented whenever necessary;
  - (f) 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 NHCP; and
  - (g) Local government units shall document and sustain all socio-cultural and historical practices such as, but not limited to, traditional arts and crafts, gastronomy, celebrations, and customs, the re-enactment of historical battles, and other intangible heritage that is unique to the locality.
  - (h) LGUs shall delineate a buffer of at least four (4) meters along the entire boundary length between the identified Heritage Zone and conflicting zone/s or sub-zones, allocating two (2) meters from each side of the zone/sub-zone boundary. Such buffer strips should be open and not encroached upon by any building or structure and should be a part of the yard or open space.
  - (i) In consultation with appropriate line agencies and their respective Tourism Offices, LGUs may utilize their heritage assets and properties within the Heritage Zone and integrate in the CLUP and ZO as provided in item (a) of this section to generate employment and revenue, increase awareness and appreciation for culture and heritage, promote sustainable tourism practices, and create a sense of community.

**Section 29. Heritage Zones by National Legislation.** – Heritage Zones established by national legislation shall, insofar as practicable, adhere to and apply this IRR in the process of planning, managing, and conserving said Heritage Zones.

#### **RULE VII - DECLARATION, DELISTING AND REMOVAL OF PRESUMPTION**

**Section 30. Procedure for Declaration or Delisting of Cultural Properties Categorized as Grade I and Grade II Level and Removal of Presumption of Cultural Properties as Important Cultural Property.** – Under this Rule, the act of a cultural agency to: (1) declare a cultural property, (2) delist a cultural property categorized as Grade I or Grade II Level, or (3) removing the presumption of the status of Important Cultural Property, shall be referred to as “Action” or “Actions”.

To harmonize the implementation of Sections 5 and 8 of RA 11961 as regards to the processes of Actions, and to properly coordinate the roles of the Commission, the relevant cultural agencies, and stakeholders, particularly emphasizing the role of the public as provided under the Charter of the Commission, the procedure for Actions, shall be as follows:

**Section 30.1. Filing of the Petition.** – A Petition for an Action shall commence upon the filing of a verified petition by the owner, stakeholder, or any interested person with the Commission. The Commission shall issue temporary remedies to protect a site prior to decisions by the cultural agencies. It shall then refer the Petition to the appropriate cultural agency or agencies, depending on the nature or significance of the property in question.

The Commission shall also notify pertinent National Committees to comment on the Petition within a reasonable period. The relevant cultural agency or agencies shall consider the National Committees' comments in its prima facie determination of suitability for the Action.

**Section 30.2. Notice and Position Papers.** – Upon verification of the prima facie sufficiency of an Action, the cultural agency concerned shall publish the petition on their website and send a notice to the owner, stakeholders, and the general public. Stakeholders, including, but not limited to, LGUs, local culture and arts councils, local tourism councils, non-government conservation organizations, schools, other government agencies, and institutions shall be allowed to file their position papers in support or in opposition to the petition.

The owner and the 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 a copy of such position paper. Extensions may be allowed, but in no case shall the extension period exceed more than thirty (30) days.

In cases where the petition was not filed by the owner, the petitioner shall file his or her own position paper within fifteen (15) days from receipt of the owner's or any stakeholder's position paper. Thereafter, no further submissions shall be allowed; and

**Section 30.3. Decision.** – The appropriate cultural agency shall have a maximum of ninety (90) days from the deadline of the submission of all the position papers within which to render its decision on the application. With

due regard to the private property rights of individuals and the public interest involved, and the requirements of due process, the appropriate cultural agency shall, in writing, state clearly its consideration of the position papers submitted and its findings of facts as regards the cultural significance of a property upon which its decision is based.

The cultural agency shall then forward its decision to the Commission, which shall then notify the parties involved and publish the decision on its website. The Commission shall establish a publicly-accessible database of the decisions of cultural agencies.

The Decision of one cultural agency acting within its specific competence shall not bind another cultural agency acting within its own specific competence in rendering its own Decision. The Decision shall not become final and executory until after the lapse of fifteen (15) days from the receipt of the decision by each party involved.

**Section 30.4. Non-inclusion.** – The above provisions shall not apply to the declaration or delisting of cultural properties which are specifically identified, covered, and protected under existing laws and international agreements.

**Section 31. Guidelines for Actions by Cultural Agencies.** – Aside from the Commission, other cultural agencies, including the NHCP, NLP, NAP, CCP, and KWF, shall promulgate standards and guidelines for Actions under their jurisdiction, which shall form part of these Rules as Annexes 12 to 17. These guidelines shall be used when the Commission refers a Petition to the cultural agency for their consideration and appropriate action.

**Section 31.1. Damage, Degradation, or Destruction.** – As a general rule, damage, degradation, or destruction of a cultural property should not, by itself, be a ground for its delisting or removal of presumption, but may instead be the basis for restoration, reconstruction, or other modes of conservation. It is only when the fundamental significance of the property has been lost shall delisting or removal of presumption be considered.

In cases where the damage, degradation, or destruction are intentional, the compulsory repair order and/or penal provisions of the Act and other applicable laws shall apply.

**Section 31.2. Modification of the Intangible Works by a Manlilikha ng Bayan, National Artist, or National Hero.** – The Commission shall formulate a policy defining acts constituting modification of the intangible works by a Manlilikha ng Bayan, National Artist, or National Hero as reference for standards and guidelines for Actions under the jurisdiction of the concerned cultural agencies that shall form part of these Rules as Annex 18.

**Section 31.3. Updating of Standards and Guidelines for Actions.** – For purposes of harmonization and streamlining across cultural agencies, procedures that duly reflect Section 30, insofar as practicable, should be integrated and reflected in updated standards and guidelines for Actions promulgated by each cultural agency within six (6) months of the approval of these Rules.

**Section 32. Delisting of Cultural Properties with Multiple Designations.** – In cases of cultural properties with multiple designations, the act of delisting by one agency in relation to a specific designation under its jurisdiction, does not automatically result in the delisting by another agency under the latter's own jurisdiction. In all cases, the act of delisting by any agency in relation to its own jurisdiction must comply with the provisions of Section 30.3.

**Section 33. Cultural Properties Declared or Designated by International Conventions and Agreements, Law and/or Executive Issuance.** – Cultural Properties declared or designated by international conventions and agreements, law, and/or executive issuances may not be delisted except by a decision of the intergovernmental organization managing the convention, and/or a specific law or executive issuance revoking or amending the declaration.

**Section 34. Filing Fees.** – The Commission shall only charge a fee for petitions to delist a cultural property or to remove a presumption. Petitions for declaration shall be exempt from fees and other charges.

## **RULE VIII – CONSERVATION OF CULTURAL PROPERTY**

**Section 35. Conservation of Cultural Property.** – Pursuant to the mandate of the Commission in Section 12 of R.A. 7356 to conserve and promote the nation's historical and cultural heritage, it shall:

- (a) Support, monitor and systematize the retrieval and conservation of artifacts of Filipino culture and history and all Filipino cultural treasures from all over the archipelago and other countries;
- (b) Support and promote the establishment and preservation of cultural and historical monuments, markers, names and sites; and
- (c) Encourage and support the continuous training of cultural workers and administrators by qualified trainers.

When determining the significance of heritage sites and spaces, and their associated environments, specific criteria should be determined. Policies, activities, and interventions of any conservation program should be based on the significance of heritage sites and spaces, and their associated environments, as well as all relevant meanings ascribed to them.

All intervention works, including modification or demolition, and measures on conservation for cultural properties categorized as Grade I or Grade II Levels shall be undertaken only upon prior approval of the Commission and/or the appropriate cultural agency which shall supervise the same, except as provided under Heritage Agreements in Section 43 below.

**Section 35.1. The Commission as a Clearing House.** Requests for clearances and approvals shall be filed with the Commission, which shall forward the same to the appropriate cultural agency if applicable, for their appropriate action. In cases where another cultural agency receives a request directly, it shall respond within the prescriptive period, and act on it if it has jurisdiction over the request, and only after furnishing the Commission with a copy.

**Section 35.2. Proper Methods and Materials.** – The Commission and/or the appropriate cultural agency shall approve only those methods and materials that strictly adhere to the accepted international guidelines and principles of conservation.

**Section 35.2.1. International Conservation Standards.** – The relevant guidelines and principles are identified in Section 10 above.

**Section 35.2.2. National Conservation Standards.** – Until new regulations are adopted that reflect such standards, the issuances of cultural agencies on conservation standards shall continue to be in force and effect. The new regulations shall form part of these Rules as Annex 19. The Philippine Heritage Charter in Annex 19A shall also be in use.

**Section 35.2.3. Use of Regulated Materials for Conservation.** – The Commission shall coordinate and may enter into agreements with the DENR and/or appropriate agencies for the use of regulated materials if the said materials are required for conservation. These agreements shall form part of these Rules. 11

Pursuant to the IRR of R.A. No. 11194 on the conservation of Gabaldon school buildings, the DENR shall also:

- (a) Donate confiscated forest products to DepEd based on existing rules and regulations;
- (b) Provide technical assistance to DepEd in securing clearances and necessary permits including the turnover and transport of the confiscated logs/lumber needed in the implementation of the conservation of the Gabaldon school buildings;
- (c) Provide the list of Wood Processing Plants (WPP) with approved Permit from which the DepEd may enter into a Memorandum of Agreement (MOA) for the conversion of turned-over logs into lumber; and
- (d) Provide a list of holders of Certificate of Registration as Importer of forest products (logs, lumber, veneer, plywood, other wood based panels, poles and piles, pulpwood and wood chips) and approved Lumber Dealer Permit from which DepEd may source upon their required wood requirement.

**Section 35.3. Conservation Management Plans (CMP), Heritage Impact Assessments (HIA), and Archaeological Impact Assessments (AIA).** – Prior to issuing any approval for intervention works on Grade I or II Level properties, the Commission and/or the appropriate cultural agency shall require CMPs, HIAs, and/or AIAs, as deemed necessary. It shall enact guidelines for the required content of these documents, which shall form part of these Rules as Annexes 20 to 22.

**Section 35.4. Conservation Training and Accreditation for Contractors.** – Prior to issuing any approval for government-funded intervention work on Grade I or II Level properties, the Commission and/or the appropriate cultural agency shall require heritage conservation training for contractors. It shall enact guidelines specific for this purpose, which shall be made part of these Rules as

Annex 23, including the specification of qualifications and process of accreditation of contractors.

**Section 35.5. Conservation Training for Owners, Managers, and Custodians.** – The Commission and/or the appropriate cultural agency shall conduct heritage conservation training for owners, managers, and custodians of Grade I or II Level properties.

**Section 35.6. Multiple Designations.** – In cases of cultural properties with multiple designations, prior approval from all cultural agencies with jurisdiction over it is required before any intervention works are undertaken.

**Section 35.7. Inter-agency Coordination.** – An inter-agency task force (IATF) or technical working council (TWC) may be created by the Board of Commissioners to approve actions on proposed intervention work on Grade I or II Level properties.

**Section 35.8. Panel of Experts.** – The Subcommissions, National Committees, and/or a pool of experts created for the purpose may also be activated as a panel to deliberate on proposals and make recommendations.

**Section 36. Process for Coordination of Government Projects and Permits.** – All government agencies and instrumentalities, government-owned and/or -controlled corporations (GOCCs) and their subsidiaries, including public educational institutions, and LGUs shall coordinate with the Commission for any government project or permit potentially affecting the integrity of any Grade I or II Level cultural property.

**Section 36.1. Submission of Plans to the Commission.** – Pursuant to Section 6.6.5.3 of the DPWH Social and Environmental Management System Manual (SEMS), to comply with relevant national laws on cultural heritage protection and other relevant international laws, the implementing agency should safeguard and support cultural heritage by engaging in locally and internationally recognized cultural heritage practices. When a project includes cultural heritage implications and hazards, the implementing agency should employ and retain competent and experienced specialists to assist with the assessment.

Plans for any government project, including design and additional construction, affecting the integrity of any Grade I or II Level cultural property, must be submitted to the Commission for comment. The Commission shall



inform the project proponent within sixty (60) days if the project, or any component of the project, is potentially in violation of R.A. No. 10066 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.

All undersecretaries, assistant secretaries, regional directors, project directors, and district engineers of the DPWH shall consult and coordinate with the Commission on any plan, including design and additional construction affecting Grade I or II Level cultural properties. Further, the same are enjoined, to every extent possible, to avoid affecting Grade I and II Level cultural properties (DPWH Memo No. 097-7-110514).

**Section 36.1.1. Responses to Significant Archaeological Sites.** – Pursuant to Section 6.6.5.4 of the DPWH SEMS, if the designated archaeologist and anthropologist determines that the cultural heritage site is a very significant archaeological site, as long as there are no skeletal remains, the designated archaeologist and anthropologist shall decide the necessary response in cooperation with the implementing agency. The following management alternatives will be considered:

- (a) *Avoidance*: This strategy minimizes the impact on the site by redesigning or relocating portions or all the projects. This is the ideal choice from the standpoint of cultural resource management.
- (b) *Salvage Excavation*: This data recovery method is disruptive to the site and may cause developmental delays. Salvage excavations, if necessary, should be carried out in compliance with the Company's
- (c) *Cultural Heritage*: Investigation, Salvage, and Compensation Protocol.
- (d) *In-situ Management*: This option entails the installation of site protection measures such as fences or barricades, as well as the filling in of the site area. Appropriate protective measures shall be determined and agreed upon on a site-by-site basis between the contractor, the client, and the Commission, NMP and/or NHCP. If this is the best choice but is likely to result in some site damage (e.g., during the process of covering the site area with a fill), it may be paired with limited salvage excavation.
- (e) If a site is determined to have low salvage excavation potential but includes substantial surface archaeological artifacts, those

artifacts may be individually mapped and gathered in line with the Cultural Heritage: Investigation and Salvage Protocol.

- (f) If a site is determined to have minimal archaeological importance, the DPWH can proceed with its plans following the completion of a comprehensive photographic record and the Chance Finds Report Form.

**Section 36.2. Building Permits and Condemnation Proceedings.** – To ensure proper protection and preservation of Grade I and II Level cultural properties, all building officials, project engineers, and implementing offices of the DPWH and LGUs shall consult and coordinate with the Commission and/or appropriate cultural agencies, prior to any issuance of permits/certificates for any proposed construction, renovation, fitting or demolition activities that may affect the integrity of Grade I or II Level cultural properties or any adjoining historical or cultural sites (DPWH Department Order No. 12 S. 2019 and NBCDO Memorandum Circular No. 2 S. 2018).

**Section 36.2.1. Incorporation of Conservation of Built Heritage into the Building Permit Process.** – Clearance from the Commission and/or appropriate cultural agency shall be prerequisite to all applications for building permits involving Grade I or II Level cultural properties (NBCDO Memorandum Circular No. 03 S. 2018 updating the IRR of P.D. No. 1096 or the National Building Code of the Philippines).

**Section 36.2.2. Certification from Commission for Condemnation Proceedings.** – All Building Officials who shall carry out condemnation proceedings, either *motu proprio* or through a petition, are hereby required to obtain or cause the party/ies filing a petition to obtain from the Commission and/or other appropriate cultural agencies a certification confirming that the structure or building subject of the petition is not a Grade I or II Level cultural property. The said certification shall be incorporated with other documentary requirements for condemnation proceedings (NBCDO Memorandum Circular No. 01 S. 2019).

**Section 36.3. Cultural Property Protection in the Acquisition of Right-of-Way.** – Pursuant to the provisions of this Act and in relation to Section 8 of R.A. No. 10752, otherwise known as the Right-of-Way Act, in cases involving the acquisition of right-of-way site or location for any national government infrastructure project, and consistent with laws and regulations on

environmental impact assessment, the implementing agency shall take into account the impact of the project to Grade I and II Level cultural properties. Before any national government project could be undertaken, the implementing agency shall consult with the Commission.

**Section 36.4. Areas Closed to Mining Applications.** – Pursuant to Section 19 of R.A. No. 7942, otherwise known as the Philippine Mining Act of 1995, mineral agreement or financial or technical assistance agreement applications shall not be allowed near Grade I and II Level cultural properties and archaeological sites, except upon written consent of the Commission and/or the appropriate cultural agency, and subject to technical evaluation and validation by the DENR Mines and Geosciences Bureau (MGB).

**Section 36.4.1. Quarry, Sand and Gravel (Commercial, Industrial and Exclusive), Gratuitous (Government or Private), Guano, and Gemstone Gathering Permits.** – No extraction, removal and/or disposition of materials shall be allowed within a distance of one (1) kilometer from the boundaries of Grade I and II Level cultural properties and archaeological sites unless the prior clearance of the Commission and/or the appropriate cultural agency is obtained (DENR Administrative Order No. 2010-21).

**Section 36.5. Cave Resources Management.** – Pursuant to R.A. No. 9072, otherwise known as the National Caves and Cave Resources Management and Protection Act, the DENR, in coordination with the Commission, is tasked to formulate, develop and implement national management programs for their conservation and management. The DENR and Commission shall both be responsible for the issuance of permits for the collection and removal of any archaeological materials in caves, and other cave resources.

**Section 36.5.1. DENR-NCCA Joint Guidelines for the Determination and Management of Significant Caves.** – The DENR and the Commission shall issue joint guidelines for the determination and management of significant caves, which shall form part of these Rules as Annex 24.

**Section 36.6. Minimum Considerations for Siting and Designing Sanitary Landfills.** – When siting and designing sanitary landfill, if significant archaeological and cultural resources are present at the site, such resources shall be protected and preserved (DENR Administrative Order No. 34-01 as the IRR of the Solid Waste Management Act).

Sanitary landfills for domestic sludge must avoid areas of unique, archaeological, historical and paleontological interests to preserve cultural resources (DOH Department Circular No. 2021-0240 on the Revised Implementing Rules and Regulations of Chapter XVII of P.D. No. 856, the Code on Sanitation of the Philippines).

**Section 36.7. Chance Find Protocols.** – Section 6.6.6 of the DPWH SEMS includes protocols for chance finds (see Appendix 3). Cultural heritage items are likely to be uncovered in the course of constructing infrastructure projects, especially when the location of the project is in areas where cultural heritage items are likely to be discovered. The SEMS provides that all personnel are to be apprised on the appearance of heritage items that are likely to be uncovered during earth-moving activities and excavations.

Pursuant to Section 11 of R.A. No. 4846, should buried cultural properties be uncovered by chance or incidental to other non-archaeological activity, the earth-moving activities or excavations shall be suspended and the matter reported immediately to the Commission who shall take the appropriate steps to have the discovery investigated and to ensure the proper and safe removal thereof.

**Section 37. Conservation of World Heritage Sites.** – The WHS shall be subject to the highest standards of conservation and management prescribed by the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention), its Operational Guidelines, and the World Heritage Committee, to ensure the safeguarding and sustainability of their Outstanding Universal Value (OUV) over time. In no manner shall the OUV, and the integrity and authenticity of the WHS be allowed to be compromised.

**Section 37.1. Conservation Management Plans.** – The Commission shall ensure that all cultural WHS and cultural properties in mixed WHS have a CMP. The CMP shall be prepared according to the requirements of World Heritage Convention and its Operational Guidelines and shall contain provisions for protection, management and conservation of the WHS including cartographic materials that clearly show its boundaries and allowed zones for protection. The CMP shall be implemented by all sectors involved in the conservation, management and protection of the WHS including other non-government stakeholders of the property. The CMP shall be subject to regular evaluation and review by the Commission.

**Section 37.2. Proposed Projects Impacting the Outstanding Universal Value of World Heritage Sites and/or their Buffer Zones.** – The Commission and/or the appropriate cultural agency shall inform the World Heritage Centre, through UNACOM and the Permanent Delegation of the Philippines to UNESCO, of any project that may impact the OUV of a WHS and/or critically affect its Buffer Zone, and submit project documentation including an HIA, for review by the World Heritage Centre and the Advisory Bodies, before making any decision that would be difficult to reverse.

**Section 37.3. Monitoring of World Heritage Sites.** – The Commission and/or DENR BMB shall continuously monitor the condition of the sites and shall, with the UNACOM, and the NMP or NHCP as appropriate, collaborate with the site managers and the LGUs where the WHS is located to ensure the safeguarding of the OUV, and the integrity and authenticity of the WHS. They shall coordinate the same with the UNACOM.

**Section 37.4. Training and Capacity Building.** – The Commission, DENR BMB, UNACOM, NMP, and/or NHCP, as appropriate, may organize training and capacity building for site management, the preparation of State of Conservation (SOC) reports, CMPs, HIAs, and other necessary activities, that will satisfy the requirements of World Heritage Convention and its Operational Guidelines.

**Section 37.5. Technical Assistance for the Tentative List.** – The Commission, DENR BMB, UNACOM, NMP, and/or NHCP, as appropriate, may provide technical assistance to stakeholders and local government units with property proposals in the Tentative List for the preparation of the necessary documents and dossier required for inscription in the World Heritage List.

**Section 37.6. Referral to Penal Provisions.** – Should an agency, local or otherwise, fail to protect the authenticity and integrity of the WHS, the Commission shall enforce the penal provisions of the Act.

**Section 38. Conservation of Gabaldon School Buildings.** – The DepEd, in consultation with the Commission, NHCP, and NMP, shall implement a program for the identification and conservation of all Gabaldon school buildings nationwide. Unless its provisions are in conflict with the Act, the IRR of R.A. No. 11194 shall be in use for the implementation of this Section.

**Section 38.1. Condition of Gabaldon School Buildings.** – School heads shall submit to their respective Schools Division Superintendents, for appropriate action, a report indicating the existence of or any structural damage to any Gabaldon school building in schools under their respective supervisions.

**Section 38.2. Role of the DepEd.** – The DepEd shall be the lead government agency mandated to strengthen its effort and pursue a more proactive role in the conservation and restoration of all Gabaldon school buildings. Pursuant to the IRR of R.A. No. 11194, the following are its roles and responsibilities with regard to conservation:

- (a) Conduct consultation meeting with stakeholders prior to the restoration of Gabaldon school buildings;
- (b) Allocate funds intended for the conservation of the Gabaldon school buildings;
- (c) Provide assistance to the School Heads on the conservation of the original architectural design of the restored Gabaldon school building;
- (d) Implement, monitor, report, and file related documents on the conservation of Gabaldon school buildings;
- (e) Prepare a CMP for the Gabaldon school buildings in coordination with the Commission, NHCP, and NMP;
- (f) The DepEd and fund donors shall enter into a Memorandum of Agreement (MOA) for the utilization of all cash donations from other sources intended for the restoration of the Gabaldon school building;
- (g) Determine the adaptive reuse of Gabaldon school building for purposes other than that which they were intended originally may be allowed at the discretion of DepEd to conserve the site, engineering integrity, and authenticity of design;
- (h) To install a standard DepEd marker on completely restored Gabaldon school buildings.

**Section 38.3. Role of LGUs in the Conservation of Gabaldon School Buildings.** – Local government units that have Gabaldon school buildings under their jurisdiction shall likewise adopt measures for the protection and conservation of these structures and shall provide the DepEd with the necessary assistance in the implementation of any conservation project.

Pursuant to the IRR of R.A. No. 11194, LGUs shall also:

- (a) Issue all necessary permits prior to the implementation of the conservation of the Gabaldon school buildings;
- (b) Allocate funds from the School Education Fund (SEF) for the preservation and maintenance of the Gabaldon school buildings;
- (c) Coordinate with DepEd for partnership on future development within the school that may affect the preservation of the Gabaldon school building;
- (d) Adopt measures for the protection and conservation of Gabaldon school buildings.

**Section 38.4. Regulations Specific to Gabaldon School Houses.** – Republic Act No. 11194 outlines regulations specific to Gabaldon school houses.

**Section 38.4.1. Destruction, Demolition, or Relocation.** – Any destruction, demolition, or relocation of Gabaldon school buildings shall be strictly prohibited.

**Section 38.4.2. Modification and Alteration.** – Subject to the issuance of a permit from the Commission, any modification or alteration of the original architectural design of Gabaldon school buildings may be allowed in public elementary and secondary schools where the exigency of constructing new school buildings is a priority in anticipation of the increase in student population provided that the façade and other distinct features of the original Gabaldon school buildings shall, as much as possible, be preserved.

**Section 38.4.3. Technical Assistance for Conservation.** – In cases where conservation measures are necessary, the DepEd, in coordination with the NCCA, the NHCP, and the NMP, shall provide proper technical assistance to school heads to ensure that the original architectural design of the school building is maintained.

**Section 38.4.4. Gabaldon School Houses Not Owned by the DepEd.** – Gabaldon school buildings that are not owned by the DepEd are still covered by the same regulations insofar as they fall within the definition of Gabaldon school buildings prescribed by the Act and these Rules, and R.A. No. 11194 and its IRR.

**Section 38.4.5. Enforcement and Penalty.** – The penal provisions and administrative liabilities outlined in R.A. No. 11194 and its IRR shall apply.

**Section 39. Preservation of Historic Open Spaces.** – The NHCP, through Resolution No. 7, s. 2018 declared all Spanish and American colonial period plazas and public squares as National Historic Sites for their preservation and protection, and are thus Grade II Level cultural properties according to the Act and these Rules.

These plazas and public squares continue to serve as open spaces for people to congregate and participate in public activities that made an impact in the history of towns and cities. Historic open spaces serve as greeneries, gardens, and breathing spaces for the community amidst current environmental and public health issues like global warming, urban pollution, and pandemics. These plazas and public squares should also be kept as open spaces to be used as evacuation areas in case of hazards such as earthquakes and fires.

**Section 39.1. Construction Prohibitions in Historic Open Spaces.** – The construction of covered and other structures in historic plazas and public squares, including but not limited to covered courts, multi-purpose halls, event venues, parking lots and buildings, government buildings and offices, barangay halls, stages, perimeter walls, fences, plant boxes, bleachers, gazebos, waiting sheds, and market stalls shall be prohibited unless a clearance is secured from the NHCP through the Commission.

**Section 39.2. Removal of Structures.** – LGUs shall endeavor to restore their historic plazas and public squares to the period when they were most historically significant. Structures built without clearance from the NHCP, particularly those built in violation of Republic Act No. 10066 and/or Resolution No. 7, s. 2018 should be removed. LGUs are also strongly encouraged to remove covered structures and other elements that were not part of the historic open spaces during the Spanish or American colonial period, unless they are at least 50 years old. Development plans for historic open spaces should be approved by the NHCP prior to the commencement of any work. Requests for approval shall be filed with the Commission.

**Section 39.3. Protecting Greenery.** – Trees, grass lawn areas, and other greenery should be preserved. The cutting of historic and/or native trees and replacement of green spaces with concrete, concrete pavers, or similar materials shall be prohibited unless a clearance is secured from the NHCP through the Commission. The necessary permits should also be secured from the DENR. ))



**Section 39.4. Monuments in Historic Open Spaces.** – Monuments are memorials to historic events, places and heroes and their deeds and contributions to the building of our nation. Therefore, monuments must be treated as sacred or hallowed grounds and accorded with the same full reverence as we have for the Philippine Flag. Any form of desecration against monuments, such as squatting, graffiti and advertising commercialism shall not be allowed. The Guidelines on Monuments Honoring National Heroes, Illustrious Filipinos and other Personages (2012) shall guide the management of monuments in historic open spaces unless otherwise updated by the NHCP. They shall be made part of these Rules as Annex 25.

**Section 39.5. Guidelines for Historic Open Spaces.** – The NHCP, in consultation with the Commission, shall issue guidelines for the preservation of historic plazas and public squares, which shall be made part of these Rules as Annex 26. The requests for clearances and approvals shall be filed with the Commission, which shall forward the same to the NHCP for appropriate action. In cases when the NHCP receives a request directly, it shall acknowledge the request within the prescriptive period and act on it after furnishing the Commission with a copy.

**Section 39.6. Inventory of Historic Open Spaces.** – The Commission and NHCP shall create an inventory of Spanish and American colonial period plazas and public squares covered by NHCP Resolution No. 7, s. 2018 for inclusion in the Registry. They shall also designate core and buffer zones for each plaza and public square. The inventory shall include other cultural properties that are part of the plazas and squares, including historic structures, monuments, and street furniture.

**Section 40. Preservation of Heritage Houses Declared by the NHCP.** – Heritage Houses should be well-maintained and in good condition. They should not be allowed to deteriorate.

**Section 40.1. Interventions to Heritage Houses.** – There should be no major alterations, especially of the exterior, the immediate surroundings, and the major rooms in the house. Any repair, addition, alteration, renovation, restoration or reconstruction must have written permission of the NHCP Chairperson, or be consistent with the terms of a Heritage Agreement, and should make use of conservation or construction methods which are technologically accepted by conservationists and restoration architects. Furniture and interior architectural ornaments should likewise be

well-maintained as they are important decorative components of the Heritage House.

**Section 40.2. Assumption of Responsibility.** – The heirs of the owner assume responsibility for the Heritage House upon the demise of the owner. In case the house and the property are sold, the government shall be given the first priority of purchase. When the new owner assumes possession of the house and property, responsibilities are passed on to him.

**Section 40.3. Update of NHCP Guidelines.** – The NHCP, in consultation with the Commission, shall adopt standards and regulations that reflect the latest national and international guidelines and principles within one (1) year from the approval of these Rules, which shall be made part of these Rules as Annex 27. Until such standards and regulations are adopted, the Guidelines on the Declaration of Heritage Houses (2010) shall be in use.

**Section 41. Colonial Churches and Other Houses of Worship.** – Pursuant to NHCP Resolution No. 3 s. 1991, all colonial churches and other houses of worship in the Philippines, including ruins, regardless of their religious denominations, which were built prior to and in 1940, are Classified Historic Structures. The Commission and/or NHCP may enter into agreements with the religious authorities for their preservation and management, which shall be made part of these Rules.

**Section 41.1. Agreement between the Holy See and the Republic of the Philippines on the Cultural Heritage of the Catholic Church and the National Agreement between the National Commission for Culture and the Arts (NCCA) and the Catholic Bishops Conference of the Philippines (CBCP) on the Cultural Heritage of the Catholic Church in the Philippines.** – The Holy See and the Republic of the Philippines entered into an agreement on the cultural heritage of the Catholic Church, hereinafter referred to as the Concordat, committing to cooperate for the protection of the cultural heritage of the Catholic Church. The Concordat entered into full force on 29 May 2008, following the exchange of the instruments of ratification between the Holy See and the Republic of the Philippines. The Commission and the CBCP also entered into an agreement on the cultural heritage of the church, hereinafter referred to as the NCCA-CBCP National Agreement. It was confirmed by the Commission on July 28, 2016, pursuant to NCCA Board Resolution 2016-356.

**Section 41.2. Preservation of Cultural Properties of the Roman Catholic Church (RCC) in the Philippines.** – Pursuant to the NCCA-CBCP National Agreement,

the Commission and CBCP shall ensure compliance with law and regulations related to the construction, renovation, demolition, and other similar activities affecting cultural properties of the RCC protected by the Republic, namely Grade I and II Level cultural properties.

While the Commission and CBCP recognize the ownership, possession, administration and pastoral care by the RCC of the cultural heritage of the RCC in the context of relevant Philippine laws and regulations, both also recognize that the cultural heritage of the RCC also forms part of the cultural heritage of the Philippines. They shall provide assistance to each other in securing such places and properties from theft, illicit traffic, vandalism, destruction, and similar acts, and from construction and other works or activities that may diminish their OUV, authenticity, and integrity, and shall also provide assistance in retrieving lost and/or unlawfully taken cultural properties of the Church. This includes the unlawful transfer of ownership of the historical and artistic heritage of the RCC and unwarranted changes in places of worship under the pretext of carrying out the reform of the liturgy, causing the disfigurement or loss of priceless works of art (Circular Letter on the Care of the Church's Historical and Artistic Heritage).

**Section 41.3. Church Structures and Complexes.** – The Commission and CBCP shall endeavor to conserve the fabric of Grade I and II Level church properties and complexes of the RCC, including associated ecclesiastical buildings, such as, *casas parroquiales*, convents, parochial schools, *capillas*, *visitas* and *camposantos* that are of heritage value whether adjoining to or within or outside the immediate vicinity of the church structure.

**Section 41.3.1. Conservation Management Plans for Grade I and II Level Church Structures and Complexes.** – A CMP shall be prepared by the Commission in coordination with other cultural agencies, and the diocesan commission for the cultural heritage of the RCC, observing international heritage conservation standards, for all Grade I and II Level cultural properties and complexes of the RCC. CMPs shall be submitted to the appropriate RCC authorities for approval.

The approving RCC authority shall enjoin all subordinate personnel and institutions to respect and observe approved CMPs which shall serve as basis for conservation, preservation, and related work, whether financed by government, by RCC resources, or by private individuals. Such related work includes new construction in structures and open spaces. Work

undertaken on Grade I and II Level cultural properties of the RCC shall be subject to prior approval of the Commission.

**Section 41.3.2. Core and Buffer Zones.** – The Commission shall fund the identification of core and buffer zones of Grade I and II Level cultural properties of the RCC, and assist the proper government agencies to formulate and enforce zoning and building regulations safeguarding and maintaining the cultural and historical integrity of Grade I and II Level church properties and complexes. Related open spaces such as rectory patios, church gardens and plazas, whether owned by national or local government units or by the RCC, shall be maintained as such and be free from commercialization, new construction, or conversion to other uses.

**Section 41.4. Church Archaeology.** – The Commission and CBCP recognize that many sites, including churches, church complexes, government and private properties, occupy possible archaeological sites and that important knowledge may be derived from their scientific excavation. The legal owners and administrators of Grade I or II Level cultural properties of the RCC shall consult the Commission prior to activities such as digging of foundations in places known or suspected to be ancient burial or habitation sites, sites of abandoned churches, and the like, or upon the discovery of any such sites. All parties shall observe all pertinent laws and be guided by the *Code of Ethics of the Katipunan Arkeologist ng Pilipinas, Inc. (KAPI)* and the ASEAN's *Standardized Archaeological Conservation and Restoration Procedures*.

**Section 41.5. NCCA-CBCP Joint Commission.** – A Joint Commission shall be created to:

- (a) Recommend to the CBCP and the Commission matters relating to the conservation, appreciation, and proper use of the cultural heritage of artistic and historical significance owned by ecclesiastical institutions and organizations, in accordance with Article IV of the Agreement Between the Holy See and the Republic of the Philippines on the Cultural Heritage of the Catholic Church in the Philippines;
- (b) Propose solutions regarding differences concerning the interpretation or implementation of such agreement, in accordance with Article V thereof; and,
- (c) Perform such other functions as may be delegated to it by the parties to the agreement.

**Section 41.5.1. Composition of the Joint Commission.** – The Joint Commission, composed of a chairman and six (6) members, shall be established. The chairman is to be alternately chosen yearly between the NCCA and the CBCP, beginning with the NCCA, whereas the six (6) members will be appointed, three (3) from each from the Commission and the CBCP. The Commission and CBCP may designate a maximum of two (2) alternates each. Any vacancy in the membership of the Joint Commission shall be filled up immediately by the affected party.

**Section 41.5.2 Meetings of the Joint Commission.** – The Joint Commission shall meet every second Tuesday of the month at the offices of the Commission or at a date and place determined and agreed upon by the chairman and the members of the Joint Commission until the formulation of IRR of the NCCA-CBCP Agreement. Once promulgated, the said IRR shall form part of these Rules.

**Section 42. Management of Bangsamoro Historical and Cultural Sites.** – The National Government shall transfer the management of Bangsamoro historical and cultural sites currently under the jurisdiction of the Commission, NMP, NHCP, and other agencies of the National Government to the BCPCH through intergovernmental relations mechanisms.

**Section 42.1. Turnover of Functions.** – The Commission and the BCPCH shall arrange a proper turnover of the management of Bangsamoro historical and cultural sites from all pertinent cultural agencies to the BCPCH. It shall continue to coordinate with the Commission on the regulation, excavation, and preservation of cultural artifacts and on the recovery of lost historical and cultural heritage. Until such turnover is formally completed, the cultural agencies shall continue to exercise their management functions.

**Section 42.2. Coordination with Cultural Agencies.** – After the turnover, the BCPCH shall coordinate with cultural agencies on the regulation, excavation, and preservation of cultural artifacts and on the recovery of lost historical and cultural heritage.

**Section 43. Heritage Agreements.** – The Commission, with advice of the concerned cultural agency, may enter into agreements with private owners of cultural properties with regard to the preservation of said properties.

The Heritage Agreement must clearly state the nature and extent of a site's cultural significance, and the relationship between such significance and the restrictions imposed on the property. It must also state the scope of uses or activities that may be allowed on the property, as well as the extent that the property owner may undertake repairs, modifications, among others.

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 Certificate of Title to bind future owners and/or occupants of the immovable cultural property.

Where a Heritage Agreement has been duly executed between the Commission and a property owner, and said Heritage Agreement duly specifies the kind and extent of intervention works that may be allowed, the owner or manager of a property may undertake such work in compliance with the terms of the Heritage Agreement, the property owner shall merely notify the Commission of its plan of work and the Commission may inspect the same.

**Section 44. Immoveable Cultural Properties Categorized as Grade I or II Level.** – Immoveable Grade I and II Level cultural properties 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 properties referred to in this provision may only be moved after securing a permit from the Commission and/or appropriate cultural agency.

**Section 45. Indigenous Properties.** – The Commission and/or appropriate cultural agency, in consultation with the National Commission on Indigenous Peoples (NCIP), shall establish a program and promulgate regulations to assist indigenous people in preserving their particular cultural and historical properties, which shall be made part of these Rules as Annex 28.

**Section 46. Conservation of Movable Cultural Heritage.** – The Commission and/or the appropriate cultural agency shall promulgate guidelines for the conservation of movable heritage under their jurisdiction, which shall be made part of these Rules as Annex 29.

**Section 47. Monitoring and Safeguarding of Intangible Cultural Heritage.** – The Commission and/or the appropriate cultural agency shall monitor and administer the safeguarding of ICH and promulgate guidelines for the monitoring and safeguarding of intangible cultural heritage and its material recordings, which shall be made part of these Rules as Annex 30.

**Section 48. Systematic Research in Natural History.** – The NMP 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.

(a) The exemption shall be guided with the following principles:

- (i) Natural History specimens are organisms and objects (live or preserved) that are collected or studied in the Philippines. This can include collections that are donated or given as exchange that can promote and develop the nation's rich natural and cultural heritage of the Filipino People;
- (ii) The NMP shall be exempt from applying for permits pertinent to collection and domestic transport within the Philippines. Such research / collection activities shall be accompanied by a Travel Order and Authority to Collect duly signed by the Director General of the NMP or his/her duly authorized representative.
- (iii) Collection, either of whole specimens or derivatives (such as parts, tissue samples, or genetic samples), shall be allowed only for the establishment of reference collection and/or taxonomic study.
- (iv) The NMP shall inform the DENR and NCIP for the collection of terrestrial species. It shall inform the Department of Agriculture (DA) for the collection of aquatic/marine species.
- (v) The local officials from the barangays to municipal and or city government officers shall also be informed of the collection. The Palawan Council for Sustainable Development (PCSD) shall likewise be notified in case the collection is conducted in Palawan.

- (vi) All holotype specimens of fossils, plants and animals collected in Philippine territory shall be deposited in the NMP. However, all other types of specimens such as paratypes, neotypes, etc. need not necessarily be deposited at the NMP chiefly for safety and security reasons.
  - (vii) All government agencies as well as private entities involved in research in natural history shall submit the list of holotypes with their corresponding information to the NMP one hundred and twenty (120) days after the approval of these Rules. The transfer of holotypes shall be done upon request by the NMP.
  - (viii) All holotypes of fossils, plants and animals are classified as Important Cultural Property while specimens belonging to endangered species; and irreplaceable specimens such as fossils, and specimens that are 100 years old or more are classified as Grade II Level cultural property. Holotypes may be declared National Cultural Treasures.
  - (ix) The Permit to Export any specimens under the category of cultural property shall be issued by the Commission. Likewise, the Commission shall issue the Certificate of Non-Coverage for all other natural history specimens.
  - (x) Natural history specimens collected in the Philippines by the NMP acquired through exchange and collaborative work, donation, gift and purchase shall be deposited in the NMP.
- (b) Natural History specimens can be accessed by the public following the rules and regulations on the access to museum collections and data.
  - (c) To establish linkages with researchers and scientists from local and foreign institutions, the NMP shall designate them as NMP Research Associates in conformity with its own guidelines.
  - (d) Concerned government agencies shall furnish copies of their inventory of natural history specimens to the Commission.

#### **RULE IX - HISTORIC PLACE NAMES**

**Section 49. Renaming of Historic Place Names.** – Historic place names, such as but not limited to geographic names, streets, parks, buildings, shrines, landmarks, monuments, sites, and other public spaces shall not be allowed to be renamed by a local legislation, unless approved by the NHCP, and only after due hearing on the matter. Furthermore, for changes of names done to historic place names prior to the effectivity of the Act, the NHCP may direct the LGUs to restore their original names after due hearing.



**Section 49.1. Guidelines for Historic Place Names.** – The NHCP shall, in consultation with the Commission, promulgate and constantly update guidelines for historic place names, which shall be made part of these Rules as Annex 31. Until such guidelines are drafted and issued, the “Revised Guidelines on the Naming and Renaming of Streets, Public Schools, Plazas, Building, Bridges and other Public Structures” shall be in use.

**Section 49.2. Naming of Local Government Units and Public Places, Streets and Structures.** – In relation to Section 13 of R.A. No. 7160, and as a result of the Section 25 of the Act, the name of a local government unit or a public place, street or structure with historical, cultural, or ethnic significance shall not be changed by local legislation, unless approved by the NHCP.

#### **RULE X - TRANSFER, CHANGE OF OWNERSHIP, SALE OF CULTURAL PROPERTIES**

**Section 50. Right of First Refusal on the Sale of National Cultural Properties.** – The appropriate cultural agency shall be given the right of first refusal in the purchase of cultural property declared as Grade I and II Level national cultural properties. 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 50.1. Notice in Writing.** – Any owner of a national cultural property shall notify in writing the appropriate cultural agency when it has an agreement to sell the said national cultural property and the terms and considerations thereof.

**Section 50.2. Period for Exercise of the Right.** – The owner shall give the appropriate cultural agency ninety (90) days from notice in which to match the consideration for the purchase of the said national cultural property.

**Section 51. Licensing of Dealers of Cultural Property.** – All dealers of cultural properties shall secure a license to operate as such from the Commission. The Commission shall continue the licensing of dealers of cultural properties which includes galleries and auction houses and or their agents, as well as the renewal of their licenses pursuant to the existing rules and regulations. The Commission shall coordinate with the Professional Regulatory Commission (PRC) to implement this mandate in relation to the various real estate professions.

All dealers of cultural properties and/or their agents shall also secure a license from the Commission in accordance with the existing policies of the Commission. Members of National Committees who are dealers themselves shall inhibit themselves from any proceedings or decisions on the issuance of licenses for dealers.

The Commission may charge and collect fees for the licenses, inspections, certifications, authorization and permits that they issue and undertake in connection with the implementation of these rules and regulations. The Commission may also forge agreements and partnerships with government agencies and other institutions in order to enhance the implementation of this specific section of the implementing rules and regulations.

The Commission, working closely with the Bureau of Internal Revenue, will devise a tax incentive program in compliance with existing laws, in the form of tax rebates or deductions, aimed at motivating dealers and agents to obtain a license from the Commission. Until it is updated, the 'Guidelines Governing the Licensing of Dealers of Cultural Property in the Philippines' in Annex 32 shall be in use.

**Section 52. Dealings of Cultural Property.** – No Grade I or II Level cultural property shall be sold, resold, or taken out of the country without first securing a clearance from the Commission. In case a Grade I or II Level cultural property shall be taken out of the country, it shall solely be for the purpose of scientific scrutiny, exhibition, repair, visual arts cleaning, and/or restoration.

**Section 52.1. Sale or Resale of Cultural Property,** – The sale or resale of a cultural property, subject to the right of first refusal in Section 50 hereof shall also require the following:

- (a) Grade I and II Level cultural properties shall not change ownership, except by inheritance or by sale duly approved by the concerned cultural agency; provided, however, that it may not be taken out of the country for reasons of inheritance or sale.
- (b) Grade I and II Level cultural properties may be taken out of the country only with a written permit from the Commission and only for purposes of exhibition or for scientific scrutiny but shall be returned immediately after such exhibition or study; provided, however, that necessary safeguards have been duly complied with, as required by the concerned cultural agency.
- (c) If a cultural property has previously been declared stolen, then its sale must be stopped.

**Section 52.2. Purposes for which Grade I and II Level Cultural Properties may be Exported.** – In case the property shall be taken out of the country, it shall solely be for the purpose of scientific scrutiny or exhibit, and shall meet the following requirements:

- (a) The applicant must execute an affidavit that the cultural property is not for sale and will guarantee its return to the country after its event;
- (b) To guarantee such return, the said cultural property shall be covered by a surety bond by the borrower amounting to 100% of the appraised value. The surety bond shall be issued by a reputable insurance company;
- (c) In case the exhibit of the cultural property is extended, prior approval by the Commission shall be secured;
- (d) The bond shall be forfeited when the Commission is not informed of its extension.
- (e) No licensed agent and dealer shall engage in the sale of cultural properties not duly stamped or marked by the Commission;
- (f) Cultural properties in transit within the Philippines shall be covered by a conduction invoice by the seller thereof indicating his Residence Certificate and Tax Identification Number (TIN);
- (g) Within one hundred and twenty (120) days after the approval of these rules and regulations all cultural properties placed on sale shall be duly registered and stamped by the Commission;
- (h) Transfer, change of ownership or sale of Grade I and II Level cultural properties shall be reported to the Commission or the concerned agency by the transferee within thirty (30) days from the conclusion of such transaction.

**Section 52.3. Art Authentication and Forgery.** – Pursuant to R.A. No. 9105, otherwise known as the Art Forgery Act of 2001, the Commission shall be responsible for the authentication of works of fine art and determining art forgery.

**Section 52.3.1. Creation of the Art Authentication Panel.** – Pursuant to Section 4 of R.A. No. 9105, otherwise known as the Art Forgery Act of 2001, the Commission shall create the Art Authentication Panel. The Panel shall be composed of three (3) members, who shall be chosen and appointed by the Commission from a list submitted by the Search Committee created under Section 8 of R.A. No. 9105.

**Section 52.3.2. Functions of the Art Authentication Panel.** – In addition to the powers and functions of the panel of experts for fine arts provided for in R.A. No. 4846, as amended by P.D. 374, the Art Authentication Panel, herein referred to as the “Panel”, shall also have the following powers and functions:

- (a) To designate individuals, named by the Search Committee as Art Consultants, to become members of the Panel for particular authentication session/s;
- (b) To verify and certify as original any work of fine art submitted to it for authentication, and to issue the corresponding certificates of authentication;
- (c) Upon proper verification, to accept for registration all original works of fine art submitted by the author;
- (d) To impose and collect authentication and registration fees, and other appropriate fees as it may prescribe;
- (e) To initiate investigation and recommend prosecution of all persons who may have violated the provisions of R.A. No. 9105;
- (f) To promulgate rules and regulations in the exercise of its functions;
- (g) To impose fines and sanctions for violation of its rules and regulations; and
- (h) To perform such other acts as may be necessary to carry out the provisions of this R.A. No. 9105.

**Section 52.3.3. Rules and Regulations for Art Authentication.** The Commission shall promulgate the necessary rules and regulations for the effective implementation of the provisions of R.A. No 9105 which shall form part of these Rules as Annex 33.

## **RULE XI - REGULATING THE EXPORT, TRANSIT, IMPORT AND REPATRIATION OF CULTURAL PROPERTY**

**Section 53. Export of Cultural Property.** – Whoever desires to export regulated cultural property shall register the object in the Registry and shall adhere to the following requirements:

- (a) Authorization from the Commission

- (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 export; (2) the export date of the cultural property; (3) the repatriation date of the cultural property, if applicable; (4) a description of the cultural property; and (5) the inventory of the cultural property in the Philippine Registry of Heritage.

The grant of export permit for cultural properties categorized as Grade I or II Level 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, exhibition, repair, visual arts cleaning, and restoration. For permanent exportation, the relevant cultural agency may exercise its right of first refusal.

The 'Guidelines Governing the Export of Cultural Properties from the Philippines' can be found in Annex 34 of these Rules. The 'Policy on Removing the Presumption of Important Cultural Property on the Works of National Artist for Visual Arts for the Issuance of a Permanent Export Permit' can be found in Annex 35 of these Rules.

**Section 54. Repatriation Claims and Agreements.** – Should the cultural property registered in the Registry 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-à-vis all other contracting States. Any compensation and costs shall be carried by the Philippine government subject to reimbursement and liability by the person who caused the illegal importation.

**Section 54.1. The Commission as Clearing House for Repatriation.** – Claims or arrangements for repatriation shall be overseen by the Commission.

**Section 54.2. International Agreements.** – 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.

## **RULE XII - POWERS OF THE COMMISSION/CULTURAL AGENCIES**

**Section 55. Power to Issue a Cease and Desist Order (CDO).** – When the physical integrity of the declared cultural properties categorized as Grade I or II Level, including presumed Important Cultural Property, found to be in danger of destruction or significant alteration from its original state, the Commission and/or appropriate cultural agency shall immediately issue a Cease and Desist Order (CDO) suspending all activities that will affect the cultural property. The LGU which has 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 CDO. The suspension of the activities shall be lifted only upon the written authority of the appropriate cultural agency after due notice and hearing involving interested parties and stakeholders.

**Section 55.1. LGU-Initiated Violations.** – In the event that it is the LGU itself that is causing or threatening the destruction or alteration of a cultural property, or despite due notice the LGU is unable or unwilling to take the necessary actions, the Commission shall apply with the appropriate court for injunctive relief.

**Section 56. Power to Issue Compulsory Repair Order.** – When a privately-owned cultural property 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 Commission, through 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 said order within thirty (30) to forty-five (45) days, repairs may be undertaken by the appropriate cultural agency for the account of the owner.

**Section 56.1. Government Intervention.** – For Grade I or II Level cultural properties, the Commission and/or appropriate cultural agency may intervene and repair the site subject to a Heritage Agreement, the availability of funds, and existing government accounting and auditing rules and regulations;

**Section 57. Visitorial Powers.** – The cultural agencies concerned, through the Commission, are hereby given the power to inspect Grade I or II Level cultural properties whether public or private at any time to ensure the protection and integrity

of such. Provided that, in the case of privately-owned cultural properties, prior written consent of the owner shall be obtained.

**Section 57.1. Coordination by the Commission.** – The Commission shall coordinate the conduct of inspection by experts from the Commission, its National Committees, the NMP and/or the NHCP on buildings and built environment declared as Grade I or II Level cultural properties and shall be responsible for deputizing law enforcement agents if necessary to enforce the visitatorial power. Such inspections may be made in consonance with the required periodic monitoring of such sites to determine their current condition, to address concerns of stakeholders on the property or to determine if the property is in danger or has actually been altered, demolished, or suffers neglect or deterioration.

**Section 57.2. World Heritage Sites.** – The periodic monitoring of WHS shall be in accordance with the recommended Operational Guidelines set by UNESCO and in coordination and cooperation with UNACOM. The periodic monitoring shall be undertaken by the Commission through the members of the appropriate National Committee together with experts from the NMP and/or NHCP.

**Section 57.3. Intangible Cultural Properties.** – The Commission shall periodically monitor on site intangible cultural property and may therefore enter into communities to fulfill that purpose, subject to jurisdiction of government agencies such as NMP and National Commission on Indigenous Peoples.

**Section 58. 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 the Environment and Natural Resources' rangers, the Bureau of Customs and Immigrations 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 the Act and its implementing rules and regulations. The said agencies shall immediately detail their respective personnel to protect the cultural items under the Registry.

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

**Section 58.1. Other Instances of Deputization.** – The Commission, at the request of the NMP, shall coordinate the deputization of the Philippine National Police or the Armed Forces of the Philippines in relation to the protection of known or newly discovered archeological sites.

**Section 59. 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.

The Commission shall, in consultation with concerned stakeholders, promulgate guidelines to facilitate the return of cultural properties under the custody of foreign nationals or entities back to Philippine custody. The said guidelines shall form part of these Rules as Annex 36.

**Section 60. Anthropological Research and Archaeological Exploration/ Excavation.** – This section shall cover anthropological research and archaeological exploration or excavation.

**Section 60.1. General Principles.** – Pursuant to Section 11 of R.A. No. 4846, it shall be unlawful to explore, excavate, or make diggings on archeological or historical sites for the purpose of obtaining materials of cultural or historical value without the prior written authority from the Commission. No excavations or diggings shall be permitted without the supervision of an archaeologist certified as such by the Commission, or of such other person who, in the opinion of the Commission, is competent to supervise the work, and who shall, upon completion of the project, deposit with the Commission a detailed report of the operations, describing the methods and techniques employed, the findings, and also furnishing it with a catalogue of all the materials found thereon, in accordance with accepted archaeological practices.

**Section 60.2. Regulation and Control of Foreign and Local Research, Data and Specimen Gathering, Archaeological Exploration and Excavation, Treasure Hunting, and Accidental Discoveries.** – The Commission with respect to cultural, archaeological, and anthropological matters, and the NHCP, with respect to historical matters, shall regulate and control all anthropological research conducted by foreigners; and all archaeological excavation or exploration. Pursuant to the foregoing, the Commission and/or the NHCP shall



deputize other agencies to protect archaeological and anthropological sites. It shall be guided by the following rules:

- (a) All cultural properties found in terrestrial and/or underwater archaeological sites belong to the State.
- (b) No terrestrial and/or underwater archaeological explorations and excavations for the purposes 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 Commission;
- (c) All anthropological research, 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 supervision of the Commission. Anthropological research by Philippine nationals, especially members of the Indigenous communities shall be encouraged;
- (d) All surveys, exploration and excavation of archaeological or historical sites, whether in government or private property for the purpose of obtaining materials of cultural and historical value shall be undertaken only by the Commission or any other institutions authorized by the Commission; Provided however, the archaeological project of any institution shall be subject to Permit System being imposed by the Commission and shall be subject to inspection and monitoring at any time by an authorized representative of Commission.
- (e) The Commission is the sole institution that issues Permit to Conduct Archaeological Exploration and Excavation and shall continue the issuance of such permits pursuant to existing guidelines of the agency.
- (f) The Commission shall formulate mechanisms in the granting of permits to conduct anthropological research by foreign nationals. Only foreign anthropologists with a valid researcher's visit (visa) shall be allowed to conduct anthropological studies.
- (g) Special Authority to conduct anthropological researches shall be granted to foreigners who are designated as National Museum Research Associates.
- (h) All local anthropologists shall inform Commission pertinent to their research anthropological reservations.
- (i) Archaeological or anthropological materials presumed as important cultural property shall be allowed to leave the country only upon proper evaluation and issuance of appropriate permit by the Commission;
- (j) 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 Commission; The Commission shall be responsible in the management and protection of caves assessed with cultural, paleontological and archaeological values in collaboration with the Regional Cave Committee.

- (k) The Commission shall participate actively in the National Cave Committee and Regional Cave Committees throughout the country to ensure that caves with cultural and historical values are preserved and protected.
- (l) All mining activities inside caves, rock shelters and any such other areas shall require a written permit and clearance from the Commission. An appropriate prior inspection by representatives of the Commission, funded by the company applying for a mining right, shall be required to ensure that no archaeological materials are present and, possibly, destroyed;
- (m) Archaeological Impact Assessment must be incorporated as one of the prerequisites for the issuance of ECCs which should be undertaken ahead of time prior to the start of the construction project.
- (n) The Regional Cave Committees shall inform the Commission on the proposed mining activity to be undertaken in caves; In coordination with the company that applied for mining rights, the Commission shall conduct test excavation in caves, rockshelters or any other such areas to ensure that no archaeological material is present.
- (o) The report on test excavation shall be submitted by the Commission to the DENR. When the area has no archaeological significance, the Commission shall issue a clearance which is a prerequisite requirement before the issuance of mining permit;
- (p) If the cave, rock shelter or similar areas yield archaeological and or historical objects, no clearance shall be issued and the site will be under the management of the Commission;
- (q) During the mining operation, the Commission shall periodically dispatch personnel to assess the ongoing activities in caves, rock shelters and other similar areas;
- (r) All treasure hunting permits and licenses shall be issued by the Commission, which shall formulate the rules and regulations to adequately control, regulate and monitor all applicants for such undertakings; and for this purpose, guidelines shall be adopted by the Commission, as the lead agency in collaboration with the DENR through the DENR MGB which shall form part of these Rules as Annex 37;

- (s) The provisions of these Rules on explorations and excavations of terrestrial and underwater archaeological sites shall supersede all local, municipal, regional and autonomous regional governments' resolutions and ordinances.
- (t) The discoverer shall report the said cultural or historical property to the Commission or to the concerned agency; activities leading to the non-reporting of sites shall be considered physical interventions on archaeological or historical sites and shall be penalized accordingly.
- (u) When the presence of any cultural or historical property is discovered, the Commission 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 unit 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 Commission and only after the systematic recovery of the archaeological materials. Such activities may include agricultural and engineering works, mineral and marine explorations;
- (v) All excavations in private property done by institutions other than concerned agency shall be undertaken only with the written consent of the owner(s) of the site prior to the issuance of a permit and with the supervision of the qualified archaeologists or of such other persons who in the opinion of the concerned agency is competent to supervise the work;
- (w) All archaeological excavations done by other institutions shall be monitored by the representatives of the Commission; The supervisor of an archaeological project shall be required by the Commission to submit at any time a report on the progress of the project. The supervisor of an archaeological project shall, within 30 days upon the completion of the excavation, deposit with the concerned agency a catalog of all the materials found thereon and description of archaeological context in accordance with the accepted archaeological practices.
- (x) After the analysis, all cultural and historical materials recovered from the excavations shall be turned over to the NMP. Supported with a Memorandum of Agreement, authorized educational institutions or organizations may have a share of the collections provided that the objects shall be used for educational and research purposes. Only artifacts that are categorized as Grade III Level cultural property can be shared.

**Section 60.3. Sharing of Discovered Materials.** – Sharing of the collection as part of the deaccessioning policy of the NMP or for a long term loan shall be subject to the pertinent guidelines of the National Museum. The NMP shall inform the Commission, through the Registry, regarding this matter.

**Section 60.4. Fees.** – All institutions authorized by the Commission to explore, excavate, collect or conduct research, shall pay fees approved by the Commission.

**Section 60.5. Incentives.** – The Commission shall provide incentives for persons who discover and report heretofore unknown archaeological sites, in accordance with these Rules. The Commission shall establish guidelines on the grant of incentives stated herein, which shall form part of these Rules as Annex 38.

**Section 60.6. Environmental Impact Assessment (EIA).** – Any government or non-government infrastructure project or architectural site development shall include anthropological, archaeological, historical and heritage site conservation concerns in their Environmental Impact Assessment System. //

Prior to the issuance of Environmental Clearance Certificates (ECCs), CMPs, HIAs, and AIAs are requirements in areas declared as Heritage Zones and in known or newly discovered archeological sites. In the event that an archeological site is discovered on a project which has received a clearance, all earth moving activities shall cease immediately, subject to an assessment by the Commission, through the appropriate cultural agency.

**Section 60.7. Guidelines Governing the Issuance of Permits for Land and Underwater Archaeological Exploration and Excavation in the Philippines.** – In relation to the current ‘Guidelines Governing the Issuance of Permits for Land and Underwater Archaeological Exploration and Excavation in the Philippines’, the Commission shall update these guidelines to include the verification and inspection of land and underwater archaeological sites, which shall form part of these Rules as Annex 39.

### **RULE XIII – ROLE OF CULTURAL AGENCIES**

**Section 61. Responsibilities of Cultural Agencies for Designation of Cultural Property.** – The cultural agencies, in accordance with their respective charters and mandates, shall define and delineate their respective areas of responsibility with respect to cultural mapping and the designation and registration of cultural properties.

**Section 61.1. The Commission as Administrator of R.A. No. 10066, as Amended by R.A. No. 11961.** – The Commission will administer and execute the provisions of the Act not otherwise assigned to particular cultural agencies and any and all acts to be referred or delegated by the cultural agencies.

**Section 61.2. The Cultural Agencies.** – For purposes of these Rules, the following cultural agencies shall be responsible for the categorization of cultural property:

- (a) The Commission, as a cultural agency, shall be responsible for ensuring the proper implementation of all laws protecting Philippine Cultural Heritage;
- (b) The NMP shall be responsible for the categorization of 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; However, the Commission, as designated by Section 30 of R.A. No. 11333, the NMP Charter, shall be responsible for Actions concerning the same;
- (c) The CCP shall be responsible for significant cultural property pertaining to the performing arts and their collections;
- (d) The NAP shall be responsible for significant archival materials and presidential papers;
- (e) The NLP shall be responsible for rare and significant Philippine books, and manuscripts such as, but not limited to, periodicals, newspapers, singly or in the collection, presidential papers in their custody, and libraries and electronic resources;
- (f) The NHCP shall be responsible for significant movable and immovable cultural property that pertains to Philippine history, heroes and personages, historic place names, and the conservation of historical artifacts; and
- (g) The KWF shall be responsible for the dissemination, development, promotion, and conservation of the Filipino national language and other Philippine languages and dialects.

**Section 61.3. Transfer of NMP Regulatory Functions to the Commission.** – Pursuant to Section 30 of R.A. No. 11333, all regulatory functions of the NMP, as provided for by R.A. No. 4846, P.D. Nos. 260, 374, and 1109, R.A. Nos. 8492, 9105, and 10066, and all other laws and issuances amending or citing as legal basis the same, shall be transferred to the Commission.

**Section 61.4. Bangsamoro Cultural Properties.** – The BCPCH, as designated by R.A. No. 11054, the Bangsamoro Organic Law, shall be responsible for management of Bangsamoro historical and cultural sites. It shall coordinate with the Commission on the regulation, excavation, and preservation of cultural artifacts and on the recovery of lost historical and cultural heritage.

**Section 62. Incorporation of Cultural Property Programs in Local Government Units' Budgets.** – The LGUs are encouraged to incorporate programs and budgets for the conservation and preservation of cultural property in their environmental, educational, and cultural activities. The Commission may provide expert advice in the conduct of the LGU's cultural activities.

**Section 62.1. Incorporation of Cultural Heritage Conservation in the Sangguniang Kabataan Programs and Budget.** – The Sangguniang Kabataan may incorporate programs and budgets for the conservation of the national cultural heritage under its objectives for ensuring equitable access to quality education, promoting environmental protection, climate change adaptation, disaster risk reduction and resiliency, youth employment and livelihood, and other thrusts allowable under existing laws.

**Section 63. Training and Capacity-Building Programs.** – The Commission, in coordination with the appropriate cultural agencies shall provide general training and capacity building programs on conservation and heritage management to the LGUs which have established cultural heritage programs and projects in their localities. Training opportunities will be opened to stakeholders in several iterations within a year.

**BOOK III - CULTURAL MAPPING, CULTURAL EDUCATION, SENTRO RIZAL,  
AND INSTITUTIONAL LINKAGES**

**RULE XIV - CULTURAL MAPPING**

**Section 64. Cultural Mapping by LGUs.** – Provincial, city, and municipal 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 the prompt and effective implementation of the provision of the Act. They may seek assistance from non-government organizations, cultural organizations, and academic and private institutions in undertaking cultural mapping activities: Provided, that said institutions adhere to the guidelines set forth by the Commission, which shall form part of these Rules as Annex 40. Data relevant to the Registry must be submitted for registration for purposes of research, regulation, planning, and policy-making of the Commission, among others. They may also designate the LCAC to provide oversight of its cultural mapping.

The results of cultural mapping projects shall be submitted to the Commission and copies thereof shall be furnished to the NAP and the community's local archives for access and safekeeping. Component cities and municipalities are required to submit the results of their cultural mapping projects to the provincial LGUs.

LGUs shall coordinate with the Commission and with cultural organizations and agencies for the conduct of cultural mapping, including the following:

- (a) Commission on Higher Education (CHED) for the institution of cultural awareness in state universities and colleges and the strengthening of their research programs and culture, heritage, arts, and history courses that impact on community development;
- (b) Department of Agriculture (DA) for monitoring GIAHS and NIAHS sites, the documentation of heritage crops, products, technologies, agricultural heritage systems, and food sources that sustain the local indigenous communities, and inventory of natural and non-traditional fibers and their processes and utilization;
- (c) Department of Budget and Management (DBM) for the continued issuance of an annual Local Budget Memorandum providing for the appropriation of LGU funds for programs, projects, and activities on culture, arts, and cultural heritage;
- (d) Department of Education (DepEd) for the institution of cultural awareness in basic education; capacity-building program for teachers in mapping the

- heritage resources of local communities and cultural pedagogy; and localization and contextualization of educational material and content based on a locality's cultural profile to cultivate awareness and pride in a community's cultural identity;
- (e) Department of Environment and Natural Resources (DENR) 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;
  - (f) Department of Foreign Affairs (DFA) for the enhancement of Philippine cultural diplomacy, participation in the conventions and programs of UNESCO and other international organizations; and tapping possible technical assistance from bilateral and multilateral partners;
  - (g) Department of Information and Communications Technology (DICT) for the development of information and communications technology suitable for improving public access, resource sharing, and dissemination of cultural heritage information;
  - (h) Department of the Interior and Local Government (DILG) for the promotion among local governments of the value of preserving the country's heritage sites and zones through the provision of capacity-building programs for local chief executives and Sanggunian members on culture-based governance, and, together with the DTI, for the creation, rationalization of functions, and operationalization of local culture and arts councils;
  - (i) Department of National Defense (DND) for building awareness on Philippine culture, heritage, and history as basis for conflict settlement; the institution of a culture-based approach in the trauma counseling process; and documentation of resiliency-related activities of communities during disasters and calamities;
  - (j) Department of Public Works and Highways (DPWH) for building awareness on cultural heritage sensitivity, and institution of guidelines for its programs as they impact heritage zones and sites;
  - (k) Department of Science and Technology (DOST) 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; and the conduct of pertinent research on and development of innovations for the country's textile industry;
  - (l) Department of Tourism (DOT) for the formulation and implementation of tourism development plans, culture-based programs and creative industry-based programs for tourism sites, in compliance with Republic Act



- No. 11904 or the Philippine Creative Industries Development Act, and National and World heritage-declared sites, and capacity-building programs designed to develop cultural sensitivity and competence in the tourism sector;
- (m) Department of Trade and Industry (DTI) for the inventory and development of cultural heritage-based products, creative industry-based goods and services, and entrepreneurship programs, and the adoption of culturally-sensitive trade fairs and promotion programs, and, together with the DILG, for the creation, rationalization of functions, and operationalization of local culture and arts councils;
  - (n) Film Development Council of the Philippines (FDCP) for the protection, preservation, and digitalization of film negatives and prints, audiovisual content and elements and non-film archival materials, including story outlines, screenplays, sets, photos, posters, and documents on the creation and distribution of cinematic works;
  - (o) National Commission on Indigenous Peoples (NCIP) for the provision of support for 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, 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, indigenous 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 for the integration of indigenous knowledge systems, skills and practices in the national development agenda. In all cases where cultural mapping activity affects ancestral domain, the ICC/IP concerned shall be consulted in accordance with existing laws, rules and regulations and Section 16 of the Act;
  - (p) UNESCO National Commission of the Philippines (UNACOM) of the DFA for the monitoring of properties in the World Heritage List, World Heritage Tentative List, Lists of Intangible Cultural Heritage, World Network of Biosphere Reserves, and Global Geopark Network;
  - (q) Bangsamoro Commission for the Preservation of Cultural Heritage - Bangsamoro Autonomous Region in Muslim Mindanao (BCPCH-BARMM) for the history, culture, arts traditions, and the rich cultural heritage of the Bangsamoro people and the non-Moro indigenous peoples of the BARMM; and

- (r) Philippine Institute of Traditional and Alternative Health Care (PITAHC) of the Department of Health for the research, documentation, and inventory of Philippine traditional medicine and practices in health; and for the research on and further development of traditional herbal medicine and herbal products.

**Section 64.1. Local Culture and Arts Council (LCAC).** All provinces, cities and municipalities are enjoined to legislate for the establishment of a Local Culture and the Arts Council, implement related projects and/or strengthen existing ones thereafter (DILG Memorandum Circular No. 2017-133).

**Section 64.2. LGU Cultural Mapping Guidelines.** – Within sixty (60) days from the effectivity of these Rules, the Commission, in consultation with concerned stakeholders, shall promulgate guidelines to operationalize the conduct of cultural mapping by LGUs, which shall form part of these Rules as Annex 40.

The said guidelines shall be applicable to both public and private organizations and, at a minimum, contain the following:

- (a) Minimum standards of cultural mapping:
  - (i) Framework detailing the subdomains that need to be mapped;
  - (ii) Recommended methodology for gathering primary and secondary data on cultural properties with provisions for tailoring these to the needs of the communities during the conduct of the mapping project;
  - (iii) Necessary data fields in documenting a cultural property and its cultural significance;
  - (iv) Documentation of the community validation process;
  - (v) Code of Conduct, Ethical Guidelines and Safeguarding of Philippine languages
  - (vi) Utilization of cultural mapping outputs
- (b) NCCA cultural mapping toolkit/s and should they use other toolkit/s or related literature, these should be accredited by the Commission and/or disclosed to the intended users of the terminal outputs;
- (c) Development of modular toolkit/s which may address related data needs of various government agencies, responses to provisions of laws;
- (d) Training manual for trainers or modules for trainers and facilitators;
- (e) Creation of an NCCA accredited pool of cultural mapping facilitators/trainers per region which shall be under the supervision of the Commission;

- (f) The local chief executive shall designate the lead office in the conduct of cultural mapping. It is strongly suggested that the Planning Office takes the lead;
- (g) Designation of the LCAC, or in cases where there are none, the creation of local Technical Working Groups for the conduct of cultural mapping composed of the different government agencies mentioned in Section 64 of these Rules and other concerned government agencies, institutions, and organizations, as may be applicable;
- (h) Harmonization of cultural mapping and the Registry;
- (i) Timeline and provision for the submission of cultural mapping outputs;
- (j) Funding source and mechanism;
- (k) Report of funding source and budget utilization related to cultural mapping;
- (l) Assessment and monitoring as led by DILG with the active participation of the NCCA with cultural mapping as a separate criteria in the SGLG;
- (m) Outputs of cultural mapping conducted with a specific purpose (e.g. food mapping, agricultural practices, tourism, etc.) may still be submitted to the NCCA, NAP and local archives. Outputs are subject to review by the LGU prior to its submission to the Registry; and
- (n) Levels of access of cultural mapping outputs

The Guidelines shall be subjected to periodic review as determined by the Commission in due consultation with the LGUs and concerned stakeholders.

**Section 64.3. Partnership and Utilization.** – The Commission and LGUs may enter into respective agreements with the different government agencies mentioned in Section 64 of these Rules and other concerned government agencies, institutions, and organizations for the utilization of cultural mapping outputs relative to their mandates stated therein.

**Section 64.4. Regular Conduct of Cultural Mapping.** – The LGUs shall conduct and/or update their cultural mapping outputs at least every year and as often as it may deem necessary if any significant developments warrant the conduct of cultural mapping. Updating may include the following:

- (a) Inclusion of additional mapped items which were not submitted in the comprehensive mapping output;
- (b) Additions, corrections, deletion in the entries in the data fields of past mapping outputs; or
- (c) Delisting of a submitted entry.

**Section 64.5. Muslim Groups Outside BARMM.** – Guidelines for Muslim groups outside BARMM shall be covered by the LGU Cultural Mapping Guidelines in coordination with the National Commission on Muslim Filipinos.

**Section 65. Cultural Mapping by ICCs/IPs.** – ICCs/IPs shall, in the exercise of their rights to self-governance, empowerment, and cultural integrity, have every right to conduct a comprehensive cultural mapping of their tangible and intangible heritage, whether or not located within their ancestral lands/domains. They may seek assistance from non-government organizations, cultural organizations, academic and private institutions in the undertaking of cultural mapping activities. ICCs/IPs shall coordinate with the agencies listed in Section 64 of these Rules in relation to their respective mandates. The NCIP and the Commission shall provide necessary regulations to govern these activities and shall support ICCs/IPs by providing necessary resources. The ICCs/IPs shall also have every right to determine whether their cultural map shall be entered in whole or in part into the Philippine Registry of Heritage.

**Section 65.1. ICCs/IPs Cultural Mapping Guidelines.** – Within sixty (60) days from the effectivity of these Rules, the Commission and NCIP, in consultation with concerned stakeholders, shall promulgate joint guidelines to facilitate the conduct of cultural mapping by ICCs/IPs, which shall form part of these Rules as Annex 41.

The said guidelines shall also seek to streamline the Free Prior and Informed Consent (FPIC) process to prevent unnecessary or obstructive bureaucratic hurdles for the conduct of cultural mapping in LGUs where there is a significant population of ICCs/IPs present.

**Section 65.2. Partnership and Utilization.** – The ICCs/IPs may enter into respective agreements with the different government agencies listed in Section 64 of these Rules and other concerned government agencies, institutions, and organizations for the utilization of their cultural mapping outputs relative to their mandates stated therein subject to the provisions of R.A. No. 8371, otherwise known as “The Indigenous Peoples’ Rights Act of 1997.”

**Section 66. Cultural Mapping in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).** – Within sixty (60) days from the effectivity of these Rules, the Commission, Ministry of the Interior and Local Government, Ministry of Indigenous Peoples’ Affairs, and the BCPCH, in consultation with concerned stakeholders, shall

promulgate joint guidelines to facilitate the conduct of cultural mapping within the BARMM, which shall form part of these Rules as Annex 42.

**Section 67. Cultural Mapping, Research, and Planning Division.** – Pursuant to the mandate of the Commission in Section 12 of R.A. 7356, it shall:

- (a) Encourage and support the study, recognition and preservation of endangered human cultural resources such as weavers, chanters, dancers, and other craftsmen as well as the conservation and development of such artistic, linguistic and occupational skills as are threatened with extinction;
- (b) Encourage and support scholarly research into and documentation of Philippine cultural traditions, arts and crafts, as well as significant cultural movements, achievements and personalities especially in the literary, visual and performing arts; and in mass media, as well as the various aspects of Filipino culture;
- (c) Encourage and support research into Philippine artistic traditions which may be adopted for the creation of contemporary forms;
- (d) Encourage and subsidize cultural research and the retrieval of cultural research information (e.g. folklore, dance, music, crafts) through the training of students, teachers, and cultural researchers, and their revitalization by practice and performance;
- (e) Undertake a systematic collection of statistical and other data which reflects the state of cultural conditions in the country, to serve as essential quantitative and qualitative basis for formulating cultural policies;
- (f) Encourage and support the writing of Philippine history from the Filipino perspective;
- (g) Encourage, support and systematize the audio-visual documentation of Filipino cultural expressions in the contemporary period;
- (h) Ensure that the ultimate beneficiaries of all research efforts, tourism programs and other activities affecting cultural communities are the people and cultural communities that are the subject of research, and that their cultures are nurtured rather than violated, damaged, or exploited; and
- (i) Ensure that relevant information is made available to legislators who introduce laws with cultural implication.

There shall be created a Cultural Mapping, Research, and Planning Division in the Commission, hereinafter referred to as the “Division,” which shall be headed by a Division Chief. The office shall be the repository of the cultural mapping outputs and other cultural and arts-related research and shall facilitate the conduct of technical assistance and capacity-building workshops and coordination with LGUs and other

sectors and communities in need of such. This Division is separate from the existing Planning and Policy Office and CPPRD of the NCCA.

The Department of Budget and Management (DBM) shall be consulted with regard to the organization, composition, and salary grades of the Division.

The initial staffing structure and complement of the Division shall be submitted by the Commission to the DBM for funding immediately after the effectivity of these Rules. Pending the creation of the approved plantilla positions, expansion, and reorganization, the Commission shall constitute an interim secretariat of the Division within sixty (60) days from the effectivity of these Rules through the detail of personnel from the Commission.

The officers and employees of the Division shall be determined in accordance with civil service laws, rules, and regulations. A Commission Order can be issued by the Commission to organize the division.

**Section 67.1. Cultural Statistics.** – The Commission, through the Division, shall utilize the Philippine Cultural Statistics Framework as the tool for organizing cultural statistics nationally and internationally that supports the development of data collection instruments and indicators and the methodology for the production of harmonized data and indicators.

The various datasets collected from the cultural mapping outputs shall be made publicly accessible through open government initiatives such as, but not limited to the Freedom of Information (FOI) program.

**Section 68. Documentation and Preservation of Traditional and Contemporary Arts.** – LGUs shall document traditional and contemporary arts and crafts, including their processes and makers, and sustain the sources of their raw materials. LGUs shall encourage and sustain traditional arts and crafts as active and viable sources of income for the community.

The Commission, DTI, DOT, and other government agencies involved directly or indirectly in the production of goods shall assist the LGUs 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 LGU concerned shall submit an annual inventory of these documentations to the Commission. Elements in the documentations declared by local ordinances shall be included in the Registry. Documentation of traditional arts shall be part of the cultural mapping output submitted by the LGU. Documentation of contemporary arts and all domains of creative industries shall form part of the supplementary modules created in partnership with the DTI. Outputs from this documentation will be separate from the basic cultural mapping output of the LGU.

## **RULE XV - CULTURAL EDUCATION**

**Section 69. Incorporation of National Cultural Treasures and Important Cultural Properties in the Basic Education System.** – The DepEd, in coordination with the Commission, shall formulate, institutionalize, and mainstream 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 DepEd shall furnish the Commission with its programs for cultural heritage education. Likewise, The Commission shall continuously furnish DepEd with the updated list of and/or materials related to NCTs and ICPs, among others. Furthermore, affiliated cultural agencies may, through the Commission, provide the DepEd with other educational materials on the protection, conservation, and preservation of cultural heritage property.

The Registry shall likewise be incorporated into the formal, alternative, and informal education by the provincial and local governments. The respective local school boards of local government units (LGUs) may coordinate with the Commission to facilitate the incorporation of the Registry in their local education system, which shall include the following:

- (a) Importance of documentation;
- (b) The registry's relation to the fulfillment of cultural heritage property protection, conservation, and preservation;
- (c) Roles of stakeholders in maintaining the registry; and
- (d) Accessing the LGU's local registry.

**Section 69.1. Conservation in Cultural Heritage Education.** The conservation of heritage sites and spaces, and their associated environments is vital to the identity of the Philippines and its peoples. To ensure the continuity of this

identity, the value of conservation should be ingrained in every citizen of the country.

- (a) Heritage conservation educational programs should be developed and included in all levels and all educational institutions, including formal, informal, indigenous, and alternative schools and madaris.
- (b) Heritage conservation capacity building programs, workshops, and training activities should be given to everyone involved in and affected by heritage conservation, including national and local government officials and employees, private sector decision makers, decision influencers, educators, civil society organizations, and conservation practitioners.
- (c) Heritage conservation projects should be made into platforms for learning and be made available to the public where applicable.
- (d) Best practices in heritage conservation should be used as a knowledge resource.

**Section 70. Cultural Heritage Education Program.** – Pursuant to the mandate of the Commission in Section 12 of R.A. 7356 to ensure the widest dissemination of artistic and cultural products among the greatest number across the country and overseas for their appreciation and enjoyment, it shall, with the cooperation of the DepEd, DOT, DILG, DFA, and all other concerned agencies, public and private:

- (a) Cause to be established and developed an intensified arts education program at all levels of the educational system, public and private, to ensure meaningful arts integration across the school curriculum;
- (b) Encourage and support programs through publication, exhibition, production, performance, staging, and reproduction of original Filipino creations;
- (c) Coordinate and provide technical and/or financial assistance for cultural events and related activities such as cultural festivals, competitions, lecturers, seminars, forums and symposia;
- (d) Encourage and monitor a comprehensive translation program which shall make works by Filipinos and selected foreign classics equally accessible to Filipino as well as international readers;
- (e) Promote the popularization of information about artistic and cultural achievements and programs, in coordination with government agencies and non-government organizations and institutions;
- (f) Reorient tourism programs to become an instrument for popular education of our people and other about the best of our heritage and creativity; and



- (g) Create and support a sustained program of international cultural exchange, scholarships, travel grants and other forms of assistance;

The DepEd, TESDA, and CHED, in consultation with the Commission, shall integrate into their respective curricula the teaching of Philippine cultural heritage, and ensure that the same is earnestly pursued by all schools and at all education modes and levels. In particular, higher learning institutions shall focus on developing the following cultural heritage education competencies among students:

- (a) Protection, conservation and preservation of cultural heritage properties:
  - (i) Provided that the development of coordination of skills training in traditional & historical construction trades, craftsmanship & creative industries needed for the proper conservation of tangible cultural heritage shall be coordinated with the Commission;
  - (ii) Provided further, that the development and coordination of skills training courses for various forms of traditional healthcare modalities and studied Philippine herbal medicine formulations and preparations shall be coordinated with the PITAHC;
- (b) Research and documentation of heritage in various platforms, including but not limited to cultural mapping, formal research, and ethnographies;
- (c) Utilization of cultural heritage in interdisciplinary fields towards sustainable development in areas such as but not limited to tourism, agriculture, and creative industry: Provided, That music, sound, and audiovisual archiving shall be coordinated with the FDCP;
- (d) Instructional materials in print, film, and broadcast media on the cultural and historical significance of cultural properties;
- (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;
- (f) Visitation, public accessibility, and information dissemination on designated local cultural properties;
- (g) Music, sound, and audiovisual archiving, in coordination with the FDCP;

The Commission, in coordination and consultation with concerned government agencies and stakeholders, shall issue guidelines for the development of the abovementioned cultural heritage competencies. The use of Filipino and other Philippine languages shall be encouraged in the teaching of the said cultural heritage competencies.

The DepEd and CHED shall, in coordination with the Commission, develop the overall framework for cultural heritage competency at all levels of the education system and ensure the contextualization of education content and materials based on local cultural profiles.

The Commission shall, in cooperation with the DILG and the Civil Service Commission, formulate cultural heritage appreciation programs designed to build the capacity of government agencies and communities.

**Section 70.1. Interagency Technical Working Committee on Cultural Heritage Education.** – An Interagency Technical Working Committee (TWC) on Cultural Heritage Education is hereby created to ensure the effective implementation of the Act and its Rules with respect to cultural heritage education. It shall be composed of representatives from the following government agencies:

- (a) The Commission as the Head;
- (b) DepEd;
- (c) CHED;
- (d) TESDA;
- (e) DILG; and
- (f) CSC.

The Interagency TWC shall facilitate the implementation of the State's cultural heritage education policy within their respective mandates stated herein. They shall identify strategies and programs to achieve the objectives of the Act on cultural heritage education.

Other government agencies mentioned in the Act, particularly the national cultural agencies, and concerned stakeholders may be invited by the Interagency TWC to provide technical expertise on cultural heritage education matters, as may be appropriate. Likewise, the Commission's four (4) Subcommissions and their respective National Committees can participate in the proceedings of the Interagency TWC, as may be appropriate.

Upon the constitution of the Interagency TWC, it shall establish its internal procedures and shall form part of these Rules as Annex 43.

**Section 70.2. Subcommittees.** – There shall be two (2) subcommittees within the TWC in which the Commission is both a member of, namely:

- (a) Subcommittee on Education composed of the Commission, DepEd, CHED, and TESDA; and
- (b) Subcommittee on Heritage Appreciation composed of the Commission, DILG, and CSC.

**Section 71. Public Accessibility.** – Access to National Historical Landmarks, Monuments and Sites, whether designated as National Cultural Treasure 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 cost of conservation, inclusive of general maintenance and upkeep. In the case of privately owned monuments and sites, the Commission or the NHCP shall arrange with the owners the schedules of visits and regular inspection.

Specimens shall be available for study by bona fide students, researchers and other interested persons under the supervision of authorized staff and following policies on the access to collection and data of the concerned agency. Published research data and relevant information shall be made available to the public.

#### **RULE XVI - SENTRO RIZAL**

**Section 72. Purpose and General Coverage.** – This Rule for the Sentro Rizal is promulgated pursuant to Sections 42 to 47 of R.A. No. 10066. It shall cover the general administration, management, operations, and functions of the Sentro Rizal, the participation of various government agencies, and appropriations.

**Section 73. Construction.** – This Rule for the Sentro Rizal shall be liberally constructed in order to carry the national policy of promoting Philippine culture primarily among overseas Filipinos, but may also be extended to interested nationals and residents of host countries.

**Section 74. 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 75. General Administration, Management, and Operations of Sentro Rizal.** – The Commission and the DFA shall issue joint guidelines and procedures on the general administration, management, and operations of Sentro Rizal, which shall

form part of these Rules as Annex 44. Until such guidelines and procedures are issued, the Commission shall continue to exercise its current functions.

**Section 75.1. Coordination between the Commission and DFA.** – It is mandated that the DFA shall consult with the NCCA regarding the content and implementation of cultural diplomacy programs. This ensures that while the DFA handles the operationalization and logistics, the NCCA contributes its expertise in cultural programming and content direction. This arrangement aims to leverage the strengths of both agencies in promoting Filipino cultural heritage and aligning cultural diplomacy priorities and initiatives through Sentro Rizal.

**Section 75.2. Sentro Rizal Advisory Council.** – As an institution, the Sentro Rizal shall have its Advisory Council that will be composed of accomplished experts offering innovative advice and dynamic perspectives. The Commission and the DFA shall decide the composition of the Council.

**Section 75.3. Sentro Rizal Secretariat.** – The Commission and the DFA shall determine the appropriate organizational structure for Sentro Rizal, including the establishment of a Sentro Rizal Secretariat. The Commission shall maintain a Sentro Rizal office that will coordinate with the DFA for the management of the Sentro Rizal.

**Section 76. Appropriations.** – Pursuant to Section 47 of R.A. No. 10066, the Sentro Rizal shall coordinate with the Department of Budget and Management (DBM) to ensure that the resources necessary to carry out the provisions of the Act shall be appropriated immediately, to be generated from whatever sources that are available in the National Treasury.

**Section 77. Overseas Offices and Branches.** – The Sentro Rizal shall establish offices or branches, collectively known as Sentros Rizal, in countries where there are children of overseas Filipino workers who need to be educated about their roots, as well as in developed countries where there are large Filipino communities. The Sentros Rizal may extend their programs to overseas Filipinos in general, as well as interested nationals and residents of host countries.

The overseas Sentros Rizal are to be located in Philippine foreign service posts or other designated spaces under the supervision or jurisdiction of the Philippine government.

**Section 77.1. Branch Advisory Councils.** – Overseas Sentros Rizal may create their own Advisory Councils that will be composed of overseas Filipinos who are Philippine arts, culture, and/or language experts themselves. The heads of post shall determine the composition and functions of the Branch Advisory Councils.

**Section 78. Functions of the Sentro Rizal Offices or Branches.** – The Sentros Rizal shall, among others, have the following functions:

- (a) Be repositories, *inter alia*, of the following materials on Philippine art, culture, history, and languages: books, digital video discs, compact discs, films, magazines, artworks, tourism promotion materials, relevant information and reference materials. All these shall be made available to the public both Filipino and foreign.
- (b) Organize cultural events and activities primarily for overseas Filipinos and their children, hold fora on indigenous, colonial, and contemporary culture, traditions and practices along with cultural heritage campaigns for Philippine heritage promotions abroad. The branches and offices shall duly report these activities to the Sentro Rizal Secretariat on a quarterly basis.
- (c) Coordinate the activities of visiting artists and performing groups from the Philippines to ensure maximum participation and community impact.
- (d) Offer Filipino language courses, their study and appreciation thereof, for children and adults, as well as exhibits, small concerts, poetry reading, festivals, and Philippine culinary arts and gastronomy events.
- (e) Coordinate and supervise the Philippine schools for Filipino children overseas, in countries where Philippine Schools Overseas (PSO) are located.

**Section 79. Participation of Government Agencies.** – The pertinent government agencies shall have the following participations:

- (a) The Commission, DFA, DOT, DepEd, CHED, NHCP, NMP, NAP, NLP, KWF, CCP, and NBDB shall provide information materials to the Sentros Rizal.
- (b) In the same manner the DTI will also provide trade and investment materials, including materials for the promotion of the creative industries.
- (c) The same government agencies may also initiate and collaborate for programs of Sentro Rizal.
- (d) The DepEd, in coordination with the Commission's Philippine Cultural Education Program shall formulate the cultural heritage education programs for overseas Filipinos to be incorporated into the formal, alternative and

informal education, with emphasis on the protection, conservation and preservation of cultural heritage property.

- (e) The Commission on Filipinos Overseas (CFO) shall collaborate with the Sentro Rizal in developing and implementing programs and courses relevant to the promotion of Philippine arts, history, culture, and languages for the PSOs under its jurisdiction.

## **RULE XVII - INSTITUTIONAL LINKAGES**

**Section 80. Institutional Linkages of the National Cultural Agencies.** – The Commission and the other cultural agencies shall consult, coordinate, and work closely in the implementation of their respective programs and projects with the agencies listed below. Furthermore, the Commission may link up with other agencies and institutions, as it may deem appropriate, as a holistic approach to conservation:

- (a) The DOT and its attached agencies, which shall be responsible for cultural education among tourism services and protection of cultural properties in addition to the jurisdiction of the cultural agencies as defined by the Act and R.A. No. 9593. The formulation and implementation of a tourism master plan shall be consistent with the provisions of the Act;
- (b) The Intramuros Administration (IA) which shall be responsible for the restoration and administration of the development within Intramuros;
- (c) The National Parks Development Committee (NPDC) as an attached agency of the DOT, which shall be responsible for supervising the development (beautification, preservation, and maintenance) of Rizal Park, Paco Park, and other parks that may be assigned to it;
- (d) The DepEd, which shall be responsible for implementing the Enhanced Basic Education Act (Republic Act No. 10533) and the conservation and restoration of its built heritage, including the significant Gabaldon school buildings as governed by the provisions under the Gabaldon School Buildings Conservation Act (Republic Act No. 11194);
- (e) The DPWH, which shall be responsible for undertaking major infrastructure projects specifically in the planning, design, construction, and maintenance of national roads, bridges, and major flood control systems, as they impact on heritage structures or aspects of heritage conservation, and shall update NBCDO No. 03, Series of 2018 in accordance with these Rules, in order to sustain the incorporation of the conservation of built heritage into the Building Permit process;

- (f) The NCIP, on 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 DENR, which shall be responsible for the establishment and management of the ENIPAS Act, the conservation of wildlife resources, including cave and cave resources, the monitoring of Grade I and Grade II Level natural heritage, and shall coordinate with the (1) NCIP for the conservation of natural resources that are cultural sanctuaries of indigenous peoples, and (2) the UNACOM for natural heritage included in the World Heritage List, World Heritage Tentative List, World Network of Biosphere Reserves, and global geoparks;
- (h) The DILG, which shall coordinate with the national cultural agencies on matters pertaining to cultural properties under its jurisdiction and ensure proper implementation of the provisions of the Act by LGUs;
- (i) The National Commission on Muslim Filipinos (NCMF), which shall coordinate with the national cultural agencies on matters pertaining to cultural properties under its jurisdiction;
- (j) The UNACOM, which shall act as the liaison between the cultural agencies of the Philippines (for cultural heritage) or the DENR (for natural heritage) and the UNESCO and assist the national cultural agencies and the DENR in implementing the agreements and conventions adopted by the UNESCO which the Philippines has ratified or is in the process of ratifying;
- (k) The Department of Human Settlements and Urban Development (DHSUD), which shall coordinate with the LGUs and the Commission on matters pertaining to the establishment and maintenance of heritage zones, and the formulation and enforcement of related land use policies and zoning regulations for areas with Grade I and II Level properties;
- (l) The Government of the BARMM, which shall coordinate with the national cultural agencies on matters pertaining to cultural properties under its jurisdictions;
- (m) The Office of the Special Envoy on Transnational Crimes (OSETC) which shall have the oversight and operational capacity to go after illicitly trafficked and stolen cultural treasures.
- (n) The DFA, which shall be responsible for the Sentros Rizal and shall consult with the NCCA as part of their cultural diplomacy program; and
- (o) The FDCP, which shall be responsible for significant Philippine audio-visual materials, especially those pertaining to film and the broadcast arts.

**Section 80.1. Coordination with the Philippine Creative Industries**

**Development Council (PCIDC).** – Pursuant to R.A. No. 11904, otherwise known as the Philippine Creative Industries Development Act, and specifically with

regard to cultural properties, the Commission shall coordinate with the PCIDC on the following creative industry domains:

- (a) Traditional Cultural Expressions Domain refers to tangible products and intangible customs, practices and expressions of traditional Filipino culture and heritage, including arts and crafts, gastronomy and culinary practices, cultural festivals, and celebrations;
- (b) Cultural Sites Domain refers to the physical human-made locations, sites, and monuments that are of vital significance to the objective of promoting Philippine culture, including historic buildings and town sites, important archaeological sites, and works of monumental sculptures or paintings. This domain encompasses the strategic role and activities of museums, libraries, creative cities, performing arts venues, and cultural exhibitions to promote the country's cultural assets.



## **BOOK IV - INCENTIVES, FINES, APPEALS, PENAL, AND FINAL PROVISIONS**

### **RULE XVIII - CULTURAL PROPERTY INCENTIVES PROGRAM**

**Section 81. 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, subject to the issuance of the appropriate rules and guidelines thereon by the Commission and Bureau of Internal Revenue (BIR), which shall be made part of these Rules as Annex 45.

**Section 81.1. Conservation of Grade I and II Level Properties.** – The costs related to the conservation of Grade I and II Level properties shall be considered donations to the Commission. These shall also be considered as allowable deductions 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, subject to the issuance of the above mentioned rules and guidelines thereon by the Commission and BIR. The conservation work requires prior approval from the Commission and/or appropriate cultural agency to qualify for tax exemption or allowable deductions.

**Section 81.2. Donation by Private Individuals or Institutions for the Purchase of Cultural Properties or for the Support of Scientific and Cultural Expeditions, Explorations, or Excavations.** – Pursuant to Section 14 of R.A. No. 4846 amended by P.D. No. 374, s. 1974, any donation or support by private individuals or institutions to the Commission for the purchase of cultural properties in the Registry and/or for the support of scientific and cultural expeditions, explorations, or excavations when so certified by the Commission shall be tax exempt and deductible from the income tax returns of the individual or institution.

Donations of cultural properties in the Registry to the Commission or any accredited institution for preservation for posterity, or of any monetary contribution to the Commission or any accredited institution for the purchase of cultural properties in the Registry shall also be deductible from the income tax returns: Provided, that such donations are duly acknowledged and received by the recipient and certified by the Commission.

**Section 81.3. Donations to the NMP, NLP, and NHCP.** – Pursuant to P.D. No 373, s. 1974, all monetary contributions and the equivalent monetary value of works of art, manuscript, books or other articles of cultural, historical or scientific significance, donated to the NMP, NLP, and NHCP, are tax exempt and deductible from the taxable income of the donor.

**Section 82. Real Estate Tax Incentives.** – LGUs are encouraged to enact local ordinances granting real estate tax incentives of up to zero percent assessment level to declared cultural properties.

**Section 82.1. Special Classes of Real Property.** – Pursuant to Section 216 of R.A. No. 7160, LGUs may classify declared cultural properties, especially Grade I and II Level cultural properties, as lands, buildings, and other improvements actually, directly and exclusively used for cultural purposes, with an assessment level of 15 percent. The Commission shall coordinate with the Department of Finance (DOF) to secure a memorandum for its implementation.

**Section 83. 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 the Act shall be treated as taxable income.

**Section 83.1. Privileges for Heritage Houses Declared by the NHCP.** – In its Guidelines on the Declaration of Heritage Houses (2010), the NHCP notes that the owner of a Heritage House is entitled to certain privileges. Such privileges and legislation should be coordinated and tied-up with government finance agencies, such as the DOF and the Bureau of Internal Revenue.

**Section 83.1.1. Tax Incentives.** – These could come in the form of reduced realty tax or tax deductions from income for repairs and maintenance of the Heritage House.

**Section 83.1.2. Government Assistance.** – The government could help finance the repair or maintenance of a declared Heritage House. It can also provide technical advice on how to carry out preservation and restoration works.

**Section 84. CMPs for Grade I Level Properties.** – All Grade I Level properties shall be entitled to CMPs funded by the Commission and/or appropriate cultural agency

subject to availability of funds and existing government accounting and auditing rules and regulations.

**Section 85. Funding and Incentives from Other Government Agencies.** – Funding and incentives for heritage preservation and other related activities are made available by various laws and issuances.

**Section 85.1. Loans, Grants, and Financial Assistance from the Tourism Promotions Board (TPB).** – Pursuant to Section 50(i) of R.A. No. 9593, otherwise known as the Tourism Act of 2009, the TPB shall extend loans through government banks and financial institutions, provide grants and other forms of financial assistance for heritage preservation. The Commission shall coordinate with TBP to facilitate access to these loans, grants, and financial assistance for the preservation of Grade I and II Level cultural properties.

**Section 85.2. Tourism Enterprise Zones (TEZs) in Heritage Zones.** – Pursuant to Section 59(b) of R.A. No. 9593, any geographic area with historical and cultural significance may be designated as a Tourism Enterprise Zone. The Commission shall coordinate with TIEZA for the designation of TEZs in Heritage Zones, to (1) prepare policies, plans and programs for their development, preservation, operation, or conversion into TEZs, and (2) make fiscal and non-fiscal incentives of TEZs available to enterprises in the Heritage Zones, including income tax holidays for those investing in the restoration and adaptive reuse of cultural properties.

**Section 85.2.1. Social Responsibility Incentive for TEZ Operators and Registered Enterprises.** – A registered enterprise shall be entitled to a tax deduction equivalent to a reasonable percentage, not exceeding fifty percent (50%), of the cost of environmental protection or cultural heritage preservation activities, sustainable livelihood programs for local communities, and other similar activities. The Commission shall coordinate with TIEZA to encourage heritage preservation activities among TEZ operators and registered enterprises.

**Section 85.3. Funding from the Tourism Infrastructure and Enterprise Zone Authority (TIEZA).** – The following funding and incentive options are made available through TIEZA by R.A. No. 9593:

**Section 85.3.1. Funding from Travel Tax Collection.** – Pursuant to Section 72 of R.A. No. 9593 and its IRR, at least five percent (5%) from

the travel tax collection which shall accrue to the TIEZA shall be earmarked the development of historic, cultural, religious and heritage sites as determined by appropriate agencies. The Commission shall coordinate with TIEZA to access funding for the restoration of Grade I and II Level cultural properties and/or their development, adhering to the CMP of each property.

**Section 85.3.2. Funding from the Gross Income Taxation of TIEZA.** – One-third of the Gross Income Taxation imposed by TIEZA shall be distributed to the TIEZA for the funding of its operations and its programs in Tourism Enterprise Zones (TEZs), which shall include the protection, maintenance and enrichment of the environment, tangible cultural and historical heritage, and the intangible cultural heritage of communities within and surrounding the TEZs. The Commission shall coordinate with TIEZA to access funding for the protection, maintenance, and/or safeguarding of Grade I and II Level tangible and intangible cultural properties of communities within and surrounding the TEZs.

**Section 85.4. Conservation, Restoration, and Preservation in the Investment Priorities Plan (IPP).** – Pursuant to Section 88 of R.A. No. 9593, Article 7(3) of E.O. No. 226, and M.O. No. 50, s. 2020, this provision for incentives under the IPP covers tourism enterprises outside TEZs that are engaged in the conservation, restoration, preservation, and operation of national cultural properties (BOI M.C. No. 2021-001). Projects undertaking the conservation, preservation, restoration, or maintenance of historico-cultural heritage that includes any of the following may qualify for registration:

- (a) National shrines, monuments, landmarks and heritage houses of historical significance;
- (b) Local historical sites/properties classified, identified, and listed in the National Registry of Historic Structures; and
- (c) Cultural properties, treasures and/or artifacts.

Application for registration must be accompanied by an endorsement from the NHCP for activities under (a) and (b), and the Commission for activities under (c). The Commission and the NHCP shall coordinate with the Board of Investments (BOI) for the issuance of regulations to access available incentives.

**Section 85.5. Funding from Local Government Units.** – Pursuant to Section 36 of R.A. No. 7160, an LGU may, through its local chief executive and with the concurrence of the Sanggunian concerned, provide assistance, financial or otherwise, to people's and nongovernmental organizations for cultural projects to be implemented within its territorial jurisdiction.

**Section 85.6. Insurance for Grade I and II Level Cultural Properties.** – Pursuant to R.A. No. 656, because all Grade I and II Level cultural properties have government insurable interests, the Commission shall coordinate with the GSIS for the option of insuring privately-owned national cultural properties against any insurable risk including any damage to, or loss of, the properties due to fire, earthquake, storm, or other casualty.

**Section 86. 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.

- (a) The Annual Heritage Conservation Recognition Program shall be staged during the annual Heritage Month Celebrations to honor outstanding achievements in the field of heritage preservation and conservation.
- (b) In its first year of implementation, the Annual Heritage Conservation Recognition Program shall cover feats and accomplishments within the two immediately preceding years of living individuals and existing organizations.
- (c) The Commission shall adopt applicable parameters of the NCCA Gawad Alab ng Haraya including General Nomination Rules and Requirements, and Criteria for Selection.
- (d) Subject to the Commission's discretion and determination, winners of the Annual Heritage Conservation Recognition Program Awards shall be accorded citations and monetary prizes.

#### **RULE XIX - CULTURAL HERITAGE WORKERS' INCENTIVES PROGRAM**

**Section 87. Cultural Heritage Workers' Incentives.** – Pursuant to the mandate of the Commission in Section 12 of R.A. 7356, it shall:

- (a) Extend financial and economic assistance such as subsidies, artist funds and social security to promote cultural development and protect artists and cultural workers;
- (b) Ensure the decentralization of opportunities for creative expression through the establishment of local culture and art centers in various regions, with resources needed for artistic cultural activities;
- (c) Extend recognition of artistic achievement through awards, grants and services to artists and cultural groups which contribute significantly in the Filipino's cultural legacy;
- (d) Promote the interests and welfare of artists and cultural workers by protecting their rights to intellectual and artistic properties as well as by associations which shall promote and protect the economic and moral rights of artists over the country;
- (e) Adopt measures and recommend legislations to protect the intellectual and artistic rights and properties of Filipino artists, cultural workers and other matters concerning culture and arts;
- (f) Create and support a sustained program of international cultural exchange, scholarships, travel grants and other forms of assistance;
- (g) Promulgate standards and guidelines for the protection and promotion of Filipino artists, cultural workers and creative works in other countries;
- (h) Encourage and support the continuous training of cultural workers and administrators by qualified trainers; and
- (i) Help set up or encourage, monitor and subsidize companion systems at the regional, provincial and local levels, intended to develop traditional cultures such as arts/crafts centers, preferably in community settings apart from the usual museum settings, where exponents of living and crafts can practice and teach their art and enrich contemporary designs.

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 and valuers/appraisers of cultural property. Such cultural workers shall be given proper compensation, grants, incentives and scholarships upon the endorsement by the head of the appropriate cultural agency.

**Section 87.1. Program for Cultural Heritage Workers.** – Within ninety (90) days from the effectivity of the Act, the Commission shall come up with the following:

- (a) An active roster of authenticators and valuers/appraisers;

- (a) Imposition of a fine ranging from five thousand pesos (P5,000.00) to two million pesos (P2,000,000.00), and not more than one thousand pesos (P1,000.00) for each day of continuing violation but in no case to exceed two million pesos (P2,000,000.00);
- (b) Issuance of a permanent cease and desist order;

This schedule of fines shall be increased by the Commission every ten years to maintain their real value from the time it was set. Provided, that the imposition of an administrative fine shall be without prejudice to the filing of cases for continuing violations as set forth under Article XIII of the Act.

#### **RULE XXI - APPEALS**

**Section 89. Appeals to Decision of Attached Cultural Agencies.** – Decisions of the attached cultural agencies of the Commission may be appealed to the Commission for final resolution.

**Section 90. Appeals to Decisions of the Commission.** – Any party may, upon notice to the Board and the other party, appeal the decision of the Commission to the Office of the President within thirty (30) days from receipt thereof pursuant to and in accordance with Administrative Order no. 22, s. 2011.

#### **RULE XXII - PENAL PROVISIONS**

**Section 91. Prohibited Acts.** – To the extent that the offense is not punishable by a higher punishment under another provision of law, violations of the 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 NHCP as such, without the prior written permission from the Commission and/or NHCP. This includes the designated security or buffer zone, or extending five (5) meters from the visible perimeter of the monument or site;

- (b) An education and training plan for conservators, authenticators, valuers/appraisers and other conservation- related workers; and
- (c) A general training plan on conservation for local government units.

**Section 87.1.1. National Training Institute.** – The Commission may establish a National Training Institute for cultural heritage workers, artists, and artisans to develop programs for cultural heritage workers.

**Section 87.2. 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 the government agencies shall be eligible for the benefits under Republic Act 8439 or the Magna Carta for Scientists, Engineers, Researchers and other S&T Personnel in Government. The Commission shall likewise establish a merit award system for non-civil service cultural heritage workers.

**Section 87.2.1. Cultural Heritage Workers in Civil Service.** – For the availment of the rank and benefits in the scientific career merit system, the Commission shall endorse qualified cultural heritage workers in the Civil Service to the Scientific Career Council jointly established by the Civil Service Commission and Department of Science and Technology.

Pursuant to Executive Order No. 17, s. 2023, a Scientific Career Evaluation Committee shall be established in the Commission to facilitate the endorsement of qualified cultural heritage workers under the Act to the Scientific Career Council.

## **RULE XX - ADMINISTRATIVE FINES**

**Section 88. Administrative Sanctions.** – If, after due notice and hearing, the Commission finds that any provision of this Act, its implementing rules and regulations, or any of the Commission's order is violated, the Commission may impose any or all of the following sanctions, taking into consideration the extent of participation, nature, effects, frequency and seriousness of the violation:



- (c) Explores, excavates or undertakes diggings for the purpose of obtaining materials of cultural historical value without prior written authority from the Commission. No excavation or diggings shall be permitted without the supervision of an 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 Heritage 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 91.1. Prohibited Acts in Protected Areas.** – Pursuant to Section 20(j) of R.A. No. 7586 otherwise known as the Expanded National Integrated Protected Areas System Act of 2018, as amended, the following act is prohibited within protected areas: Mutilating, defacing, destroying, excavating, vandalizing or, in any manner damaging any natural formation, religious, spiritual, historical sites, artifacts and other objects of natural beauty, scenic value or objects of interest to IPs/ICCs;

**Section 91.2. Art Forgery.** – Pursuant to Section 3(a) of R.A. No. 9105, the crime of art forgery is committed by any person or entity who commits any of the following acts:

- (1) Affixing or causing to appear a usurped or forged signature or sign on any work of fine art;
- (2) Counterfeiting or imitating any original signature or sign, with the intent to deceive the public or the buyer as to the authorship of a work of art;
- (3) Selling or circulating any work of fine art bearing forged or usurped signatures or signs; and
- (4) Imitating or reproducing any work of fine art with intent to deceive the public or the buyer as to the authenticity of the work.

**Section 92. 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 the 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 the 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 deputation order under Section 31 of the 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 of the Act, 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 34 of the Act 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 fy 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.

**Section 92.1. Penalties for Prohibited Acts in Protected Areas.** – The penalties provided by Section 21 of R.A. No. 7586, as amended, shall apply. If such acts are also in violation of this Act, the penal provisions of this Act shall also apply.

**Section 92.2. Penalties for Art Forgery.** – Pursuant to Section 11 of R.A. No. 9105, any person who commits art forgery shall be punished with imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years, and a fine not less than Fifty thousand pesos (P50,000.00) but not more than Five hundred thousand pesos (P500,000.00).

If the acts are committed by a corporation, partnership or any kind of juridical entity, the penalty provided herein shall be imposed on its chief executive officer and/or other officials responsible therefor.

If the acts are committed by the art dealers or the owners or operators of art galleries, they shall suffer, in addition to the penalties provided by R.A. No. 9105, the automatic revocation of their license to operate.

**Section 92.3. Theft of NMP and NLP Property.** – Under Act No. 3815, the Revised Penal Code (RPC), amended by R.A. No. 10951, if the property stolen be any property of the NLP or NMP, the penalty shall be *arresto mayor* or a fine ranging from forty thousand pesos (P40,000) to one hundred thousand pesos (P100,000), or both, unless a higher penalty should be provided under other provisions of the RPC, in which case, the offender shall be punished by such higher penalty. If such acts are also in violation of this Act, the penal provisions of this Act shall also apply.

**Section 92.4. Special Cases of Malicious Mischief.** – Under Act No. 3815, the Revised Penal Code (RPC), amended by R.A. No. 10951, any person who shall cause damage to the property of the National Museum or National Library, or to any archive or registry, shall be punished:

- (a) By *prision correccional* in its minimum and medium periods, if the value of the damage caused exceeds two hundred thousand pesos (P200,000);
- (b) By *arresto mayor*, if such value does not exceed the abovementioned amount but is over forty thousand pesos (P40,000): and
- (c) By *arresto menor*. if such value does not exceed forty thousand pesos (P40,000)

If such acts are also in violation of this Act, the penal provisions of this Act shall also apply.

**Section 92.5. Destroying or Damaging Statues, Public Monuments or Paintings.** – Under Act No. 3815, the Revised Penal Code (RPC), amended by R.A. No. 10951, any person who shall destroy or damage statues or any other useful or ornamental public monument, shall suffer the penalty of *arresto mayor* in its medium period to *prision correccional* in its minimum period. Any person who shall destroy or damage any useful or ornamental painting of a public nature shall suffer the penalty of *arresto menor* or a fine not exceeding forty thousand pesos (P40,000), or both such fine and imprisonment, in the

discretion of the court. If such acts are also in violation of this Act, the penal provisions of this Act shall also apply.

**Section 92.6. Damage, Unauthorized Disposal, or Destruction of a Public Record.** – The penalties provided by Sections 40 and 41 of R.A. No. 9470 shall apply. If such acts are also in violation of this Act, the penal provisions of this Act shall also apply.

### **RULE XXIII - FINAL PROVISIONS**

**Section 93. Joint Congressional Oversight Committee.** – There is hereby created a Joint Congressional Committee (JCOC) to oversee, monitor, and evaluate the implementation of the Act. The JCOC shall be composed of five (5) members each from the Senate and the House of Representatives, with the Chairpersons of the Senate Committee on Culture and the Arts and House Committee on Basic Education and Culture serving as Co-Chairpersons. The Senate President and the Speaker of the House of Representatives shall designate the other four (4) members of the JCOC from among the members of the Senate Committee on Culture and the Arts and House Committee on Basic Education, respectively, one (1) member of which shall be from the minority.

**Section 94. Periodic Review.** – The Commission shall undertake a mandatory review of the Act and its Rules at least once every five (5) years and as often as it may deem necessary if any significant new information, policy, or organizational change warrants a review.

External experts may be contracted by the Commission to conduct the periodic review of the implementation of the Act and its Rules subject to availability of funds and existing and applicable government accounting and auditing rules and regulations.

**Section 95. Amendments.** – Any amendments to these Rules shall be approved by the NCCA Board of Commissioners after due consultation with concerned stakeholders.

**Section 96. Separability Clause.** – If any clause, sentence, section or provision of these Rules is held or declared unconstitutional, or invalid by a competent court, the remaining parts of these Rules shall not be affected thereby.

**Section 97. Repealing Clause.** – All rules, regulations, and resolutions of the NCCA Board of Commissioners inconsistent with or contrary to the provisions of these Rules are hereby repealed or modified accordingly.

**Section 98. Effectivity.** – These Rules shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in a newspaper of general circulation and from the filing of three (3) certified copies at the office of the National Administrative Register (ONAR) of the University of the Philippines Law Center.