

## PHILIPPINE CULTURAL HERITAGE LAW

### BRIEF BACKGROUND

The drafting of the *Omnibus Cultural Heritage Law*, otherwise known as the **"PHILIPPINE CULTURAL HERITAGE LAW"** aims to provide for the protection and preservation of the Philippine Cultural Heritage. This began as an interface program within the Subcommission for Cultural Heritage (SCH) in 1994. This was initiated by the then Commissioner for SCH, Felice Prudente Sta. Maria as an advocacy mandate of the National Commission for Culture and the Arts (NCCA).

The bill was further deliberated on by the NCCA members of the **22 National Committees** [representing both the public and private sectors], and the **affiliate government agencies**, like the National Museum, Cultural Center of the Philippines, National Historical Institute, Records Management and Archives Office, and the Intramuros Administration for the Department of Tourism.

The First Omnibus Philippine Cultural Heritage Law considers existing laws pertaining to culture and cultural properties, international conventions, heritage laws of different countries, and most importantly our local needs.

### Among the major features of the proposed bill are as follows:

1. **A redefinition of cultural properties to encompass tangible and intangible properties;**
2. **A sharing of responsibilities among national, provincial, and local government systems -- and private owners -- in the maintenance of cultural properties, which include financing and training of property managers;**
3. **A system to prioritize which cultural properties will be conserved ahead of others -- allowing quality maintenance of major historical sites and collections;**
4. **The use of sustained cultural education -- through the national formal and non-formal schooling, as well as the informal programs run by local governments -- in order to generate people support for conservation;**
5. **The inclusion of natural sites of scenic, aesthetic , historical, or cultural value as cultural properties;**
6. **Creation of a national Cultural Properties Committee and a Conservation Trust Fund for National Treasures and Important Cultural Properties;**
7. **Maximizing the NCCA network of interfaced public and private support for protection of the national heritage;**

8. **Designation of History Zones, Art Zones, and History & Art Zones to enhance residents' sense of place; and to protect both cultural properties and histories;**
9. **Sustaining local culture studies in formal, non-formal, and informal education;**
10. **Strengthening cultural information conduits and their interfacing on local, provincial , and national levels;**
11. **Sustaining research and dissemination of local histories as a goal for local, provincial and national governments.**

Note that private ownership of cultural properties – even National Treasures – is respected, and that the government continues to use as many of its agencies, their budgets and personnel, to conserve properties.

***National Historical Institute*** continues as the sole agency to place Heritage Markers (rather than Historical Markers), and becomes the key NCCA member-institution to conduct review of immovable cultural property; ***National Museum*** becomes the key NCCA member-institution to manage review of movable property; ***Cultural Center of the Philippines*** becomes the key NCCA member institution to manage assessment of intangible property and natural sites of cultural significance.

No one cultural agency, however, can now determine National Treasures on its own because intangibles and natural properties of cultural significance qualify as Treasures. In fact, there was a time when some people apparently thought Treasures could only come from government-owned collections, or worse, on the National Museum's collection – which could be why none of the National Library's or Archives' holdings are National Treasures as of now. What can be done to make it very apparent that main government institutions and their traditional roles are being respected? But that a new funding and supervisory system is being put into place so communities will be part of heritage management.

### **Senate Support**

The NCCA working draft became the basis for the bill prepared by Senator Leticia Ramos-Shahani, (who was then the Commissioner of NCCA representing the Culture and Education Committee in the Senate) in 1996. This was already heard twice in the Upper House (SB 1346). The same version was also submitted to Congressman Salvador Escudero III who in turn filed in the Lower House [HB 13678].

**For 2003**, the revised and updated version of the bill, which was reviewed and consolidated again by the NCCA Technical Working Group last December 2002 will have to be submitted to the Senate for new filling. We are advocating the support of the NCCA Commissioner for Culture and Education from the Senate,

**Senator Francis N. Pangilinan**, Acting Chairman, Committee on Education, Arts, and Culture.

### **House of Representative Support**

As of the 10th Congress (1996), HB 13678 had been replaced by HB 430 and this had already been approved in principle. The final revisions and amendments by the NCCA Technical Working Group had already been submitted to the Technical Staff of Congressman Jose Carlos V. Lacson who took the place of Congressman Escudero during the last Congress, but again final hearing was deferred.

**To date (2003)**, we yet have to re-file the same bill with the indulgence of the new NCCA Commissioner for Culture and Education from the House of Representatives, **Congressman Edmundo O. Reyes, Jr.**

### **REGISTRATION OF CULTURAL INSTITUTIONS**

The NCCA informed the SECURITIES AND EXCHANGE COMMISSION (SEC) to use the definitions in the proposed Cultural Heritage Bill when processing and reviewing applications for registration and articles of incorporation that may be filed by parties wishing to become cultural institutions: namely, **archives, libraries, museums, historical trusts, historical societies, and galleries.**

### **STREETNAMING**

The NCCA is also preparing amendments to the LOCAL GOVERNMENT CODE to prevent renaming of streets, parks, plazas, and the like detrimental to cultural preservation, particularly the nation's sense of historicity. The National Historical Institute is a major participant in this effort.

**Members of the NCCA Technical Working Group**  
(from the initial draft to the last Reactors Forum on November 18, 2002)

**Members of the Subcommittee on Cultural Heritage**

- Archives
- Art Galleries
- Historical Research
- Libraries and Information Services
- Monuments and Sites
- Museums

**The other NCCA Subcommittees and its National Committees**  
(Arts, Cultural Dissemination, Cultural Communities and Traditional Arts)

**Attached Cultural Agencies**

- National Museum
- National Historical Institute
- Cultural Center of the Philippines
- Intramuros Administration of the Department of Tourism
- Records Management and Archives Office
- The National Library

**NCCA Consultants**

- Dr. Jesus T. Peralta
- Prof. Esperanza Gatbonton

**Heritage Conservation Society**

