

1 (s) "NATIONAL [H]historical landmarks" shall refer to sites or structures that are
2 associated with events or achievements significant to Philippine history as declared
3 by the [National Historical Institute] NHCP.

4
5 (t) "NATIONAL [H]historical monuments" shall refer to structures that honor
6 illustrious persons or commemorate events of historical value as declared by the
7 [National Historical Institute] NHCP.

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

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

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

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

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

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49 "**SEC. 25. *Power to Issue a Cease and Desist Order.*** — When THE SIGNIFICANCE
50 AND ESPECIALLY the physical integrity of national cultural treasures,

1 NATIONAL HISTORICAL LANDMARKS, SHRINES, MONUMENTS AND
2 SITES, or important cultural properties are found to be in danger of destruction or
3 [significant] SUBSTANTIVE alteration [from its original state], INCLUDING
4 THAT WHICH WOULD LEAD TO AN ADVERSE VISUAL IMPACT, THE
5 COMMISSION, the appropriate cultural agency, OR BOTH, shall immediately issue
6 a Cease and Desist Order *ex parte* suspending all activities that will affect the cultural
7 property. The local government unit which has the jurisdiction over the site where
8 the immovable cultural property is located shall report the same to the appropriate
9 cultural agency immediately upon discovery and shall promptly adopt measures to
10 [secure] PROTECT THE SIGNIFICANCE AND [the] integrity of such immovable
11 cultural property. Thereafter, THE COMMISSION, the appropriate cultural agency,
12 OR BOTH, shall give notice to the owner or occupant of the cultural property and
13 conduct a hearing on the propriety of the issuance of the Cease and Desist Order. The
14 suspension of the activities shall be lifted only upon the written authority of THE
15 COMMISSION, the appropriate cultural agency, OR BOTH, after due notice and
16 hearing involving the interested parties and stakeholders.”

17
18 **SEC. 6.** Article XIII, Section 48 of R.A. 10066 is hereby amended, to read as follows:
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20 “SEC. 48. *Prohibited Acts.* – To the extent that the offense is not punishable by a
21 higher punishment under another provision of law, violations of this Act may be made
22 by whoever intentionally:
23

24 (a) Destroys, demolishes, mutilates, [or] damages, MODIFIES OR
25 PERMANENTLY AFFECTS IN ANY ADVERSE MANNER, INCLUDING
26 THROUGH VISUAL IMPACT, any CULTURAL PROPERTY CLASSIFIED AS
27 A UNESCO world heritage site, national cultural treasures, NATIONAL
28 HISTORICAL LANDMARK, SHRINE, MONUMENT AND SITE, important
29 cultural property, [and archaeological and anthropological sites] HISTORICALLY
30 MARKED STRUCTURE OR SITE, AND ANY TERRESTRIAL OR
31 UNDERWATER ARCHAEOLOGICAL SITE OR ANTHROPOLOGICAL SITE
32 AS MAY BE DECLARED OR DESIGNATED BY THE COMMISSION, THE
33 APPROPRIATE CULTURAL AGENCY, OR BOTH, WITHOUT PRIOR
34 AUTHORIZATION FROM ANY OF THEM. THIS INCLUDES A SECURITY OR
35 BUFFER ZONE WHICH SHALL EXTEND FIVE (5) METERS FROM THE
36 ESTABLISHED PERIMETER OR CORE ZONE OF THE CULTURAL
37 PROPERTY, IF NOT OTHERWISE PRESCRIBED RELATIVE TO A SPECIFIC
38 CULTURAL PROPERTY. THE APPROPRIATE SECURITY OR BUFFER ZONE
39 AS MAY BE ESTABLISHED BY THE COMMISSION, THE APPROPRIATE
40 CULTURAL AGENCY, OR BOTH, MAY BE EXTENDED TO AS FAR AS THE
41 VISIBLE HORIZON FROM APPROPRIATE VIEWING POINTS IF SUCH IS
42 FOUND NECESSARY TO PROTECT AND PRESERVE THE SIGNIFICANCE
43 AND INTEGRITY OF THE SPECIFIC CULTURAL PROPERTY FROM
44 ADVERSE VISUAL IMPACT;
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46 [(b) Modifies, alters, or destroys the original features of or undertakes construction
47 or real estate development in any national shrine, monument, landmark and other
48 historic edifices and structures, declared, classified, and marked by the National
49 Historical Institute as such, without the prior written permission from the
50 Commission. This includes the designated security or buffer zone, extending five (5)
51 meters from the visible perimeter of the monument or site;]

1
2 (B) AUTHORIZES OR ALLOWS THE CONSTRUCTION OF, OR
3 CONSTRUCTS, A BUILDING OR SIMILAR STRUCTURE THAT BECAUSE OF
4 ITS SIZE, DESIGN, PURPOSE, PROXIMITY OR ANY OTHER RELEVANT
5 CONSIDERATION CAUSES NEGATIVE OR ADVERSE VISUAL IMPACT ON
6 ANY CULTURAL PROPERTY ENUMERATED IN SECTION 48(a) OF THIS
7 ACT.

8
9 THE LOCAL GOVERNMENT UNIT, WHERE ANY SUCH CULTURAL
10 PROPERTY IS LOCATED, SHALL PASS AN ORDINANCE THAT PROVIDES
11 FOR THE PROTECTION AND PREVENTION OF ANY SUBSTANTIVE
12 ADVERSE VISUAL IMPACT THAT MIGHT ARISE FROM SUCH
13 CONSTRUCTION, INCORPORATING IN THE ORDINANCE THE
14 STIPULATIONS AND RECOMMENDATIONS TO BE MADE FOR THE
15 PURPOSE BY THE COMMISSION, THE APPROPRIATE CULTURAL
16 AGENCY, OR BOTH, REGARDING THE CULTURAL PROPERTY
17 CONCERNED. THE ORDINANCE SHALL LIKEWISE PROVIDE FOR
18 PENALTIES FOR VIOLATIONS THEREOF. ANY BUILDING OR STRUCTURE
19 THAT IS CONSTRUCTED IN VIOLATION OF THIS SECTION, IN WHATEVER
20 STAGE OF CONSTRUCTION, SHALL BE CONDEMNED, DEMOLISHED,
21 AND ABATED BY THE CONCERNED LOCAL GOVERNMENT UNIT AT THE
22 EXPENSE OF THE ENTITY OR ENTITIES RESPONSIBLE FOR THE
23 VIOLATION;”

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25 x x x
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27 **SEC. 7. *Implementing Rules and Regulations.*** – Within sixty (60) days from the effectivity
28 of this Act, the NCCA shall, in coordination with concerned cultural agencies of the government,
29 promulgate the necessary rules and regulations for the proper implementation of this Act.
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31 **SEC. 8. *Separability Clause.*** – If any provision of this Act is declared unconstitutional,
32 the remainder of this Act or any provision not affected thereby shall remain in full force and effect.
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34 **SEC. 9. *Repealing Clause.*** – Sections 3, 20, 25, and 48 of R.A. 10066 are hereby amended.
35 All other laws, executive orders, presidential decrees, proclamations, rules, regulations, issuances,
36 and enactments or parts thereof inconsistent with this Act are hereby repealed or modified
37 accordingly.
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39 **SEC. 10. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
40 the *Official Gazette* or in a newspaper of general circulation.
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42 Approved,