

DRAFT ONLY.

**WHEREAS**, Article XIV of the 1987 Constitution declares that the State shall foster the preservation, enrichment and dynamic evolution of a Filipino culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression;

**WHEREAS**, the Constitution likewise mandates the State to conserve, develop, promote and popularize the nation's historical and cultural heritage and resources, as well as artistic creations;

**WHEREAS**, it further provides that all the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the protection of the State, which may regulate its disposition;

**WHEREAS**, in the pursuit of cultural preservation as a strategy for maintaining the identity of the people of General Santos City, there is a need to protect, preserve, conserve and promote its cultural heritage, properties, and histories, and its ethnicity;

**WHEREAS**, there is also a need to create a balanced atmosphere where the historic past coexists in harmony with modern society and shall approach the problem of conservation in an integrated and holistic manner, cutting across all relevant disciplines and technologies;

**WHEREAS**, Republic Act No. 10066, otherwise known as the "National Cultural Heritage Act of 2009", mandates local government units to maintain and safeguard heritage zones, register and conserve cultural properties, document and preserve traditional arts, incorporation in the budget the conservation and preservation of cultural property in the environmental, educational and cultural programs, projects and activities, and the development of cultural property education program;

**WHEREAS**, the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention for the Protection of Intangible Cultural Heritage held on 2003, to which multilateral instrument Philippines is a party State, provides measures to safeguarding intangible cultural heritage, noting then the importance of the intangible cultural heritage as a mainspring of cultural diversity and a guarantee of sustainable development;

**WHEREAS**, places of cultural significance are irreplaceable and precious, thus, must be conserved for present and future generations in accordance with the principle of inter-generational equity;

**WHEREAS**, the general welfare clause of R.A. 7160 mandates local government units to ensure and support the preservation and enrichment of culture;

**NOW, THEREFORE**, on motion of \_\_\_\_\_, duly seconded by City Councilor(s) \_\_\_\_\_, be it –

**RESOLVED**, as it is hereby resolved, to enact the following Ordinance:

**ORDINANCE NO.** \_\_\_\_  
Series of 2017

**AN ORDINANCE PROVIDING MECHANISMS FOR THE PROTECTION, PRESERVATION, CONSERVATION AND PROMOTION OF THE LOCAL CULTURAL HERITAGE, CREATING THE GENERAL SANTOS CITY CULTURAL HERITAGE CONSERVATION COUNCIL, AND FOR OTHER PURPOSES**

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& HON. JOSE ORLANDO R. ACHARON - *Sponsors*  
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*Be it enacted by the Sangguniang Panlungsod of General Santos that:*

Article I

**TITLE AND DEFINITION OF TERMS**

**Section 1. Title.** – This Ordinance shall be known as "General Santos City Cultural Heritage Conservation Ordinance".

**Section 2. Definition of Terms.** – As used in this Ordinance, the following terms shall be defined as follows:

- (a.) **Adaptive re-use** – the utilization of buildings, other built-structures and sites of value for purposes other than that for which they were intended originally, in order to conserve the site, their engineering integrity and authenticity of design.
- (b.) **Anthropological area** – any place where studies of specific ethno-linguistic groups are undertaken, the properties of which are of value to our cultural heritage.
- (c.) **Antique** – a cultural property found locally which is one hundred (100) years in age, more or less, the production of which has ceased.
- (d.) **Archaeological area** – any place, whether above or underground, underwater or at sea level, containing fossils, artifacts and other cultural, geological, botanical, zoological materials which depict and document culturally relevant paleontological, prehistoric and/or historic events.
- (e.) **Archives** – public and private records in any format which have been selected for permanent preservation because of their evidential, historical informational value; otherwise known as archival materials collections or archival holdings; the place (building/room/storage area) where archival materials are kept and preserved; and an organization or agency or part thereof whose main responsibility is to appraise, arrange, describe, conserve, promote and make archival materials available for reference and research, also known as archival agency.
- (f.) **Built heritage** – architectural and engineering structures such as, but not limited to, bridges, government buildings, houses of ancestry, traditional dwellings, quarters, train stations, lighthouses, small ports, educational,

technological and industrial complexes, and their settings, and landscapes with notable historical and cultural significance.

- (g.) **Collector** – any person who or institution that acquires cultural property for purposes other than sale.
- (h.) **Heritage Council** – the General Santos City Cultural Heritage Conservation Council.
- (i.) **Conservation** – the processes and measures of maintaining the cultural significance of a cultural property including, but not limited to, preservation, restoration, reconstruction, protection, adaptation or any combination thereof.
- (j.) **Cultural education** – the teaching and learning of cultural concepts and processes.
- (k.) **Cultural heritage** – the totality of cultural property preserved and developed through time and passed on to posterity.
- (l.) **Cultural institutions** – entities engaged primarily in cultural work.
- (m.) **Cultural properties** – all products of human creativity by which a people and a nation reveal their identity, including churches, mosques and other places of religious worship, schools and natural history specimens and sites, whether public or privately-owned, movable or immovable, and tangible or intangible.
- (n.) **Dealers** – natural or juridical persons who acquire cultural property for the purpose of engaging in the acquisition and disposition of the same.
- (o.) **Heritage zones** – historical, anthropological, archaeological, artistic geographical areas and settings that are culturally significant to the City or country, as declared by the National Museum and/or the National Historical Commission of the Philippines.
- (p.) **Historical landmarks** – sites or structures that are associated with events or achievements significant to local or Philippine history as declared by the National Historical Commission of the Philippines.
- (q.) **Historical monuments** – structures that honor illustrious persons or commemorate events of historical value as declared by the National Historical Commission of the Philippines.
- (r.) **Historical shrines** – historical sites or structures hallowed and revered for their history or association as declared by the National Historical Commission of the Philippines.
- (s.) **Historical street name** – street name which has been in existence for at least fifty (50) years and over time has been considered historic.
- (t.) **Important cultural property** – cultural property having exceptional cultural, artistic and historical significance to the Philippines, as shall be determined

by the National Museum and/or National Historical Commission of the Philippines.

- (u.) **Intangible cultural heritage** – practices, representations, expressions, knowledge and skills, as well as the instruments, objects and artifacts associated therewith, that communities, groups and individuals recognize as part of their cultural heritage, such as: (1) oral traditions, languages and expressions; (2) performing arts; (3) social practices, rituals and festive events; (4) knowledge and practices concerning nature and the universe; and (5) traditional craftsmanship.
- (v.) **Intangible cultural property** – peoples' learned processes along with the knowledge, skills and creativity that inform and are developed by them, the products they create and the resources, spaces and other aspects of social and natural context necessary for their sustainability.
- (w.) **General Santos City Registry of Cultural Property** – registry of all cultural properties deemed of significant importance to the cultural heritage of the City.
- (x.) **Library** – institution where the collection of books, manuscripts, computerized information and other materials are organized to provide physical, bibliographic and/or intellectual access to the public, with a librarian that is trained to provide services and programs related to the information needs of its clientele.
- (y.) **Museum** – permanent institution that researches, acquires conserves, communicates and exhibits the material evidence of humans and their environment for purposes of education or leisure.
- (z.) **National cultural agencies** – shall refer to the following national government agencies with their specific areas of responsibility: National Museum (cultural property); the National Library (books); National Historical Commission of the Philippines (Philippine history); National Archives (documents); Cultural Center of the Philippines (culture and the arts); and Komisyon sa Wikang Filipino (language).
- (aa.) **National cultural treasure** – unique cultural property found locally, possessing outstanding historical, cultural, artistic and/or scientific value which is highly significant and important to the country and nation, and officially declared as such by pertinent cultural agency.
- (bb.) **Nationally significant** – historical, aesthetic, scientific, technical, social and/or spiritual values that unify the nation by a deep sense of pride in their various yet common identities, cultural heritage and national patrimony.
- (cc.) **Philippine Registry of Cultural Property** – the registry of all cultural properties deemed of significant importance to the cultural heritage of the nation.
- (dd.) **Restoration** – action taken or the technical intervention to correct deterioration and alterations.

(ee.) **Tangible cultural property** – cultural property with historical, archival, anthropological, archaeological, artistic and architectural value, and with exceptional or traditional production, whether of Philippine origin or not, including antiques and natural history specimens with significant value.

Article II

**THE GENERAL SANTOS CITY  
CULTURAL HERITAGE CONSERVATION COUNCIL**

**Section 3.** *The General Santos City Cultural Heritage Conservation Council.* – The General Santos City Cultural Heritage Conservation Council is hereby created, hereafter referred to as the “Heritage Council”, to be composed of the following:

Chairperson	-	City Mayor
Vice-Chairperson	-	City Vice-Mayor
Members	-	Chairperson, Sangguniang Panlungsod Committee on Tourism, Culture and the Arts Chairperson, Sangguniang Panlungsod Committee on Education Chairperson, Sangguniang Panlungsod Committee on Infrastructure Chairperson, Sangguniang Panlungsod Committee on Urban Planning and Development City Planning and Development Coordinator City Disaster and Risk Reduction and Management Coordinator City Building Official Department Head, City ENRO Head, General Santos City Museum City Tourism Officer City Librarian City Public Schools Division Superintendent

There shall also nine (9) representatives from the private sector as members. Of the nine (9) representatives from the private sector, there shall be included one (1) representative from the Pioneers-Descendants of General Santos City, Inc., one (1) representative from the academe engaged in conservation of cultural heritage, one (1) from Muslim community, one (1) representative from Indigenous Peoples, one (1) distinguished local artist, one (1) distinguished local historian, one (1) representative from the local chapter of United Architects of the Philippines, and from the members of non-government conservation organizations.

The private sector representatives shall be selected based on their demonstrated interest in and commitment towards the protection, preservation, conservation and promotion of the City's historical and cultural heritage and resources.

**Section 4.** *Appointment of Private Sector Representatives to the Heritage Council.* – The private sector representatives shall be appointed by the City Mayor for a term of office of two (2) years, with one (1) term reappointment, from a short list nominated by recognized organizations in the field of historical and cultural heritage and resources conservation.

**Section 5.** *Meetings; Gratuitous Service.* – The members of the Heritage Council shall meet and establish rules of procedures and fix the time for its regular meetings. At

any meeting of the Heritage Council, nine (9) members shall constitute a quorum to do business. The service of all the members of the Heritage Council shall be gratuitous.

**Section 6. *Mandates of the Heritage Council.*** – The General Santos City Cultural Heritage Conservation Council is hereby mandated to formulate plans and implement the following policies:

- 1.) To conserve and promote the City's historical and cultural heritage and resources, it shall:
  - (a.) Support, monitor and systematize the retrieval and conservation of artifacts of local culture and history and all local cultural treasures from all over the archipelago and other countries;
  - (b.) 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;
  - (c.) Support and promote the establishment and preservation of cultural and historical monuments, markers, names and sites;
  - (d.) Encourage and support the establishment and/or maintenance of local museums, libraries, archives, private or public, as repositories, respectively of all cultural/historical artifacts and artistic creation, printed works, archival records and all other materials indispensable to the study and evaluation of local culture and history;
  - (e.) Encourage the private sector to establish and maintain private museums and libraries;
  - (f.) Encourage and support scholarly research into and documentation of local 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 local culture; and
  - (g.) Encourage and support the writing of history of the City from the perspective local residents.
  
- 2.) To ensure the widest dissemination of artistic and cultural products for the appreciation and enjoyment of local residents, it shall:
  - (a.) Cause to be established and developed an intensified local cultural treasure education program at public and private elementary and high schools levels;
  - (b.) Coordinate and provide technical assistance to the holding of cultural events and related activities such as cultural festivals, competitions, lectures, seminars, forum and symposia;
  - (c.) Encourage and monitor a translation program which shall make literary works by local artist or folklore accessible to all readers;
  - (d.) Promote the popularization of information about artistic and cultural achievements and programs;
  - (e.) Undertake a systematic collection of statistical and other data that reflects the state of cultural conditions in the City to serve as essential quantitative and qualitative basis for formulating cultural policies.
  
- 3.) To preserve and integrate traditional culture and its various creative expressions as a dynamic part of the local cultural mainstream, it shall:

- (a.) Help set up or encourage, monitor and subsidize development of 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 contemporary designs;
- (b.) 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;
- (c.) 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.

**Section 7. Powers and Functions.** – To carry out its mandate, the Heritage Council shall exercise and discharge the following powers and functions:

- (a.) Organize and formulate rules of procedure of the Heritage Council;
- (b.) Set up a system of networking and coordination with appropriate government agencies or government cultural agencies for the effective implementation of this Ordinance and related national laws, such as:
  - (i.) Inform the appropriate cultural agency of the existence of sale of cultural property declared as national cultural property located within the City;
  - (ii.) Recommend to the National Historical Commission of the Philippines and the National Museum, in consultation with the National Commission for Culture and the Arts and Housing and Land Use Regulatory Board, and other concerned agencies, the designation of heritage zone or zones within the City;
  - (iii.) In consultation with the National Commission on Indigenous Peoples, establish program and promulgate regulations to assist Indigenous People in preserving their particular cultural and historical properties;
  - (iv.) Promptly inform the Department of Foreign Affairs of cultural property registered in the Philippine Registry of Cultural Property and found within the City being illicitly exported from the country;
  - (v.) Report to appropriate cultural agency immediately upon discovery and shall promptly adopt measures to secure the integrity of immovable cultural property when the physical integrity of the national cultural treasures or important cultural properties within the City are found to be in danger of destruction or significant alteration from its original state;
  - (vi.) Report to appropriate cultural agency immediately upon discovery of privately-owned heritage site that 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;
  - (vii.) Promptly adopt measures to protect and safeguard the integrity of the cultural property upon discovery of any cultural or historical property during explorations and excavations on terrestrial or underwater archaeological sites within the City, and within five (5) days from

- discovery, shall report the same to the National Museum with respect to cultural, archaeological, or anthropological matters, or to the National Historical Commission of the Philippines with respect to historical anthropological matters;
- (viii.) Coordinate with the National Commission on Culture and the Arts in case of recovery or retrieval of cultural properties of the City that are under the custody of foreign nationals or entities and to bring these properties back to custody of the City; and
  - (ix.) Strictly monitor any government or non-government infrastructure project or architectural site development to ensure that it shall include anthropological, archaeological and historical and heritage site conservation concerns in their Environmental Impact Assessment System.
- (c.) Formulate preservation and conservation guidelines for built heritage, tangible cultural properties and local historical resources;
  - (d.) Create committees and other mechanisms to help expedite the implementation of Heritage Council plans and strategies;
  - (e.) Call upon and coordinate with other government and non-government art and cultural institutions and agencies for assistance in any form;
  - (f.) To file or cause the filing of petition for support or opposition to the declaration or delisting of cultural property as a national cultural treasure or an important cultural property;
  - (g.) Maintain or cause the maintenance of the identified heritage zone or zones within the City;
  - (h.) Establish and maintain the General Santos City Registry of Cultural Property containing the inventory of cultural properties within the City;
  - (i.) Document or cause the documentation of traditional and contemporary arts and crafts, including their processes and makers, and sustain the sources of raw materials;
  - (j.) Enter into agreements with private owners of cultural properties with regard to the preservation of said properties;
  - (k.) Inspect national cultural treasures, important cultural properties, and national historical landmarks, sites or monuments within the City at any time to ensure the protection and integrity of such. They may also inspect public or private collections or objects that may be categorized as cultural property: *Provided*, That in the case of private collections or objects, the prior written consent of the owner shall be obtained;
  - (l.) In cooperation with the General Santos City Museum, General Santos City Culture and the Arts Council and Department of Education, shall formulate cultural heritage education programs to be incorporated into the formal, alternative and informal education, with emphasis on the protection, conservation and preservation of cultural heritage properties of the City, and the visitation, public accessibility and information dissemination on designated local cultural properties;



- (m.) Generate resources, both from the Government and private sectors, local, national and international for the conservation efforts of local cultural properties;
- (n.) Receive and accept donations and other conveyances including funds, materials, and services, by gratuitous title;
- (o.) Prepare budgets of the Heritage Council for inclusion in the annual or supplemental budget of the City;
- (p.) Administer the Heritage Council trust fund; and
- (q.) Promulgate rules, regulations and undertake any and all measures as may be necessary to implement this Ordinance.

**Section 8. *The Secretariat.*** – There shall be established a Secretariat for the Heritage Council to carry out its administrative and day-to-day operations. The members of the Secretariat shall be designated by the City Mayor from among the support personnel of local cultural offices of the City.

### Article III **CULTURAL PROPERTY**

**Section 9. *Cultural Property Considered Important Cultural Property.*** – For purposes of protecting a cultural property against exportation, modification or demolition, the following works shall be considered important cultural property, unless declared otherwise by the pertinent cultural agency:

Unless declared by the National Commission for Culture and the Arts,

- (a.) Works by Manlilikha ng Bayan;
- (b.) Works by National Artist;

Unless declared by the National Museum,

- (c.) Archaeological and traditional ethnographic materials;

Unless declared by the National Historical Commission of the Philippines,

- (d.) Works of national heroes;
- (e.) Marked structure;
- (f.) Structures dating at least fifty (50) years old; and

Unless declared by the National Archives,

- (g.) Archival material/document dating at least fifty (50) years old.

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

**Section 10. *Privileges for Cultural Property.*** – All cultural properties declared as national cultural treasures and national historical landmarks, sites or monuments shall be entitled to the following privileges under R.A. 10066:

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

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

**Section 11. *Procedure for Declaration, or Delisting of National Cultural Treasures or Important Cultural Property.*** – The procedure in declaring as well as in delisting a national cultural property or an important cultural property shall be as follows:

- (a.) A declaration or a delisting of a cultural property as a national cultural treasure or an important cultural property shall commence upon the filing of a petition by the owner, stakeholder or any interested person, with the National Commission for Culture and the Arts, which shall refer the matter to the appropriate cultural agency;
- (b.) Upon verification of the suitability of the property as a national cultural treasure or an important cultural property, the cultural agency concerned shall send notice of hearing to the owner and stakeholders. Stakeholders including, but not limited to, the City Government of General Santos, through the General Santos City Cultural Heritage Conservation Council, General Santos City Museum Board, General Santos City Culture and the Arts Council, General Santos City Tourism Council, non-government conservation organizations, and schools, may be allowed to file their support or opposition to the petition;
- (c.) The owner and/or other stakeholders shall file their position paper within fifteen (15) days from receipt of the notice of hearing, furnishing all the parties, including the appropriate cultural agency, with such position paper. Extensions may be allowed, but in no case shall it exceed more than thirty (30) days;
- (d.) The petitioner/stakeholder shall give their answer within fifteen (15) days upon receipt of any position paper. Thereafter, no further submissions shall be allowed; and
- (e.) The appropriate cultural agency shall have a maximum of ninety (90) days from the deadline of the submission of all the answers within which to submit its resolution and render its decision on the application.

**Section 12. *Right of First Refusal on the Sale of National Cultural Treasures.*** – The appropriate cultural agency shall be given the right of first refusal in the purchase of

cultural property declared as national cultural property. Prior to the finality of the sale, the appropriate cultural agency may likewise match any offer made for the purchase of national cultural property.

The General Santos City Cultural Heritage Conservation Council shall promptly inform the appropriate cultural agency of the existence of sale of cultural property declared as national cultural property located within the City.

**Section 13.** *Licensing of Dealers of Cultural Property.* – All dealers of cultural property shall secure a license to operate as such from the appropriate cultural agency concerned. They shall submit a quarterly inventory of items carried which shall include a history of each item. Failure to submit two (2) consecutive inventories shall be a ground for cancellation of the license. All dealers of cultural property shall be subject to inspection by the concerned cultural agencies.

**Section 14.** *Dealings of Cultural Property.* – No cultural property shall be sold, resold or taken out of the country without first securing a clearance from the cultural agency concerned. In case the property shall be taken out of the country, it shall solely be for the purpose of scientific scrutiny or exhibit.

#### Article IV **HERITAGE ZONES**

**Section 15.** *Designation of Heritage Zones.* – In the classification or reclassification of land uses of the City, the General Santos City Cultural Heritage Conservation Council shall recommend to the National Historical Commission of the Philippines and the National Museum, in consultation with the National Commission for Culture and the Arts and Housing and Land Use Regulatory Board, and other concerned agencies, the designation of heritage zone or zones within the City to protect the historical and cultural integrity of the City.

**Section 16.** *Maintenance of Heritage Zones.* – The identified heritage zone shall be maintained by the City, through the General Santos City Cultural Heritage Conservation Council, in accordance with the following guidelines:

- (a.) Implementation of adaptive re-use of cultural property;
- (b.) Appearance of streets, parks, monuments, buildings, and natural bodies of water, canals, paths and barangays shall be maintained as close to their appearance at the time the area was of most importance to Philippine or local history as determined by the National Historical Commission of the Philippines; and
- (c.) Document and sustain, through scientific studies, all socio-cultural practices such as, but not limited to, traditional celebrations, historical battles, recreation of customs, and the re-enactment of battles and other local customs that are unique to the City.

#### Article V **REGISTRATION AND CONSERVATION OF CULTURAL PROPERTY**

**Section 17.** *Establishment of a General Santos City Registry of Cultural Property.* – In addition to all cultural properties of the country deemed important to

cultural heritage and registered in the Philippine Registry of Cultural Property, the General Santos City Cultural Heritage Conservation Council shall establish and maintain the General Santos City Registry of Cultural Property that shall contain the inventory of cultural properties within the City. The guidelines in the registration of local cultural property are as follows:

- (a.) The General Santos City Cultural Heritage Conservation Council shall maintain an inventory, evaluation and documentation of all cultural properties declared according to their category and shall furnish copy of the same to the National Commission for Culture and the Arts. For cultural property declared as immovable cultural property, the General Santos City Cultural Heritage Conservation Council shall, after registration, give due notice to the Registry of Deeds for annotation on the land titles pertaining to the same;
- (b.) The General Santos City Cultural Heritage Conservation Council and cultural agencies concerned shall continuously coordinate in making entries and in monitoring the various cultural properties in their respective inventory;
- (c.) The City Government of General Santos shall report its ownership and/or possession of cultural property to the pertinent cultural agency;
- (d.) Private collectors and owners of cultural properties within the City shall register such properties to General Santos City Cultural Heritage Conservation Council. Private collectors and owners of cultural property shall not be divested of their possession and ownership thereof even after registration of said property as herein required.

Information on registered cultural properties owned by private individuals shall remain confidential and may be given only upon prior consent of the private owner.

**Section 18. *Conservation of Cultural Property.*** – All intervention works and measures on conservation of national cultural treasures, important cultural property, as well as national historical landmarks, sites or monuments and structures found within the City and previously marked by the National Museum and/or the National Historical Commission of the Philippines shall be undertaken through appropriate cultural agency which shall supervise the same, using only the those approved methods and materials that strictly adhere to the accepted international standards of conservation.

**Section 19. *Documentation and Preservation of Traditional and Contemporary Arts.*** – The General Santos City Cultural Heritage Conservation Council shall document traditional and contemporary arts and crafts, including their processes and makers, and sustain the sources of their raw materials. It shall encourage and sustain traditional arts and crafts as active and viable sources of income for the community, with a view to encouraging and promoting the unique heritage and identities of the City.

The General Santos City Cultural Heritage Conservation Council shall submit an annual inventory of these documentations to the National Commission for Culture and the Arts, which will be included in the Philippine Registry of Cultural Property, as established in Section 14 of R.A. 10066.

**Section 20. *Heritage Agreements.*** - The General Santos City Cultural Heritage Conservation Council, in collaboration with National Commission for Culture and the Arts and upon the advice of concerned cultural agency, may enter into agreements with private owners of cultural properties with regard to the preservation of said properties.

Such agreement shall be in the form of a contract and may include such terms and conditions including, but not limited to the following:

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

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

**Section 21.** *Local Inventory of Intangible Cultural Heritage.* – The General Santos City Cultural Heritage Conservation Council, in cooperation with appropriate cultural agency, shall closely collaborate with the UNESCO National Commission of the Philippines in safeguarding intangible cultural heritage in the City pursuant to Articles 11 to 15 of UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.

**Section 22.** *Immovable National Cultural Treasures.* – Immovable national cultural treasures shall not be relocated, rebuilt, defaced or otherwise changed in a manner, which would destroy the property's dignity and authenticity, except to save such property from destruction due to natural causes.

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

**Section 23.** *Indigenous Properties.* – The General Santos City Cultural Heritage Conservation Council, in consultation with the National Commission on Indigenous Peoples, shall establish a program and promulgate regulations to assist indigenous people in preserving their particular cultural and historical properties.

**Section 24.** *Renaming of Historical Streets, Buildings Designated as Cultural Treasure or Important Cultural Property.* – The names of historical streets, parks, buildings, shrines, landmarks, monuments and sites designated as national cultural treasures or important cultural property shall not be allowed to be renamed by a local legislation, unless approved by the National Historical Commission of the Philippines, and only after due hearing on the matter.

## Article VI

### **EXPORT, TRANSIT, IMPORT AND REPATRIATION OF CULTURAL PROPERTY**

**Section 25.** *Export of Cultural Property.* - Whoever desires to export cultural property found within the City and registered in the Philippine Registry of Cultural Property or in General Santos City Registry of Cultural Property, shall adhere to the following requirements:

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

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

**Section 26. *Repatriation Claims and Agreements.*** – Should the cultural property registered in the Philippine Registry of Cultural Property found within the City be illicitly exported from the country, the General Santos City Cultural Heritage Conservation Council shall promptly inform the Department of Foreign Affairs, and upon the recommendation of the appropriate cultural agency, said agency claim the right of repatriation *vis-a-vis* all other contracting States. The Philippine government shall carry any compensation and costs.

## Article VII

### **COORDINATION WITH CULTURAL AGENCIES**

**Section 27. *Issuance of Cease and Desist Order.*** – When the physical integrity of the national cultural treasures or important cultural properties within the City are found to be in danger of destruction or significant alteration from its original state, the General Santos City Cultural Heritage Conservation Council 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. The appropriate cultural agency shall immediately issue a Cease and Desist Order *ex parte* suspending all activities that will affect the cultural property. Thereafter, the appropriate cultural agency shall give notice to the owner or occupant of the cultural property and conduct a hearing on the propriety of the issuance of the Cease and Desist Order. The suspension of the activities shall be lifted only upon the written authority of the appropriate cultural agency after due notice and hearing involving the interested parties and stakeholders.

**Section 28. *Compulsory Repair Order.*** – When a privately-owned heritage site cannot be maintained by the owner or has fallen into disrepair through neglect to such an extent that it will lose its potential for conservation, the General Santos City Cultural Heritage Conservation Council shall report the same to the appropriate cultural agency immediately upon discovery. Thereafter, the appropriate cultural agency may serve on the owner or occupant of such property an order to repair or maintain such site. If the owner fails to comply with the said order within thirty (30) to forty-five (45) days, repairs may be undertaken by the appropriate cultural agency funded by the National Commission for Culture and the Arts for the account of the owner.

**Section 29. *Visitorial Powers.*** – The General Santos City Cultural Heritage Conservation Council shall inspect national cultural treasures, important cultural

properties, and national historical landmarks, sites or monuments within the City at any time to ensure the protection and integrity of such. They may also inspect public or private collections or objects that may be categorized as cultural property: *Provided*, That in the case of private collections or objects, the prior written consent of the owner shall be obtained.

**Section 30.** *Recovery of Cultural Properties Under Custody of Foreign Nationals.* – The General Santos City Cultural Heritage Conservation Council shall coordinate with the National Commission on Culture and the Arts in case of recovery or retrieval of cultural properties of the City that are under the custody of foreign nationals or entities and to bring these properties back to Philippine custody.

**Section 31.** *Anthropological Research and Archaeological Exploration or Excavation.* –

All anthropological research conducted by foreigners and all archaeological excavation or exploration shall be guided by the rules provided by Section 30 of R.A. 10066.

When the presence of any cultural or historical property is discovered on explorations and excavations of terrestrial or underwater archaeological sites, the General Santos City Cultural Heritage Conservation Council 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 National Museum with respect to cultural, archaeological, or anthropological matters, or to the National Historical Commission of the Philippines with respect to historical anthropological matters. The said agencies shall immediately suspend all activities that will affect the site. The suspension of these activities shall be lifted only upon the written authority of the National Museum or the National Historical Commission of the Philippines and only after the systematic recovery of the archaeological materials.

The General Santos City Cultural Heritage Conservation Council shall strictly monitor any government or non-government infrastructure project or architectural site development to ensure that it shall include anthropological, archaeological and historical and heritage site conservation concerns in their Environmental Impact Assessment System.

## Article VIII

### **ROLE OF CULTURAL AGENCIES**

**Section 32.** *Responsibilities of Cultural Agencies for Designation of Cultural Property.* – For the guidance and coordination of General Santos City Cultural Heritage Conservation Council, other local cultural agencies and non-government conservation organizations, the following national cultural agencies, in conformity with their respective charters and mandates, shall be the responsible cultural agencies in the categorization of cultural property:

- (a.) The Cultural Center of the Philippines shall be responsible for significant cultural property pertaining to the performing arts;
- (b.) The National Archives of the Philippines shall be responsible for significant archival materials;

- (c.) The National Library shall be responsible for rare and significant contemporary Philippine books, manuscripts such as, but not limited to, presidential papers, periodicals, newspapers, singly or in collection, and libraries and electronic records;
- (d.) The National Historical Commission of the Philippines shall be responsible for significant movable and immovable cultural property that pertains to Philippine history, heroes and the conservation of historical artifacts;
- (e.) The National Museum shall be responsible for significant movable and immovable cultural and natural property pertaining to collections of fine arts, archaeology, anthropology, botany, geology, zoology and astronomy, including its conservation aspect;
- (f.) The *Komisyon sa Wikang Filipino* shall be responsible for the dissemination development, and the promotion of the Filipino national language and the conservation of ethnic languages.

## Article X

### **CULTURAL EDUCATION**

**Section 33. *Cultural Heritage Education Program.*** – Within one (1) year from the effectivity of this Ordinance, the General Santos City Cultural Heritage Conservation Council, in cooperation with the General Santos City Museum, General Santos City Culture and the Arts Council and Department of Education, shall formulate cultural heritage education programs to be incorporated into the formal, alternative and informal education, with emphasis on the protection, conservation and preservation of cultural heritage properties of the City, and the visitation, public accessibility and information dissemination on designated local cultural properties. The Philippine Registry of Cultural Property and General Santos City Registry of Cultural Property shall likewise be incorporated into the formal, alternative and informal education.

**Section 34. *Public Accessibility.*** – Access to national historical landmarks, monuments and sites, whether designated as national cultural treasures or important cultural property, by the general public for visitation and information, and by government representatives for inspection, shall not be hindered except on reasonable cause. Fees, as prescribed by the cultural agency concerned, may in appropriate cases be charged to defray the cost of conservation, inclusive of general maintenance and upkeep.

## Article XIII

### **PENAL PROVISIONS**

**Section 35. *Prohibited Acts.*** – Violations of this Ordinance may be made by whoever intentionally:

1. Destroys, demolishes, mutilates or damages any world heritage site, national cultural treasures, important cultural property and archaeological and anthropological sites;
2. Modifies, alters, or destroys the original features of or undertakes construction or real estate development in any national shrine, monument, landmark and other historic edifices and structures, declared, classified, and marked by the National Historical Commission of the Philippines as such, without the prior written permission from the National Commission for



- Culture and the Arts. This includes the designated security or buffer zone, extending five (5) meters from the visible perimeter of the monument or site;
3. Explores, excavates or undertakes diggings for the purpose of obtaining materials of cultural historical value without prior written authority from the National Museum. No excavation or diggings shall be permitted without the supervision of a certified archaeologist;
  4. Appropriates excavation finds contrary to the provisions of the New Civil Code of the Philippines and other pertinent laws;
  5. Imports, sells, distributes, procures, acquires, or exports cultural property stolen, or otherwise lost against the will of the lawful owner;
  6. Illicitly exports cultural property listed in the Philippine Registry of Cultural Property or those that may be categorized as such upon visitation or incorrectly declares the same during transit; and
  7. Deals in cultural property without proper registration and license issued by the cultural agency concerned.

**Section 36. Penal Provisions.** – The penalty of fine and/or imprisonment under Section 49 of R.A. 10066 shall be imposed upon the violators of this Ordinance: *Provided*, That any cultural property attempted to be concealed from registration, or those intended to be encumbered or excavated, in violation of this Ordinance shall be summarily confiscated and forfeited in favor of General Santos City Museum: *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 under R.A. 10066: *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 or she shall be placed under the custody of the Bureau of Immigration for the appropriate proceedings under R.A. 10066 and shall be summarily deported after serving his or her sentence.

## Article XV **FINAL PROVISIONS**

**Section 37. Implementing Rules and Regulations.** - Within ninety (90) days after the effectivity of this Ordinance, the General Santos City Cultural Heritage Conservation Council, General Santos City Culture and the Arts Council and General Santos City Museum Board shall convene and formulate the appropriate rules and regulations necessary for the efficient and effective implementation of the provisions of this Ordinance.

**Section 38. General Santos City Cultural Heritage Conservation Council Trust Fund.** – There shall be created a General Santos City Cultural Heritage Conservation Council Trust Fund which consist of private and public monies, such as, resources generated by the Heritage Council, donations and other conveyances including funds, materials and services by gratuitous title, which have officially come into the possession of the Heritage Council, or which have been received as a guaranty for the fulfillment of some obligations, to be used for the conservation of cultural properties within the City or purpose for which it came into the possession of the Heritage Council.

**Section 39. Incorporation of Cultural Property Programs in City Budget.** – There shall be incorporated in every annual budget of the City Government fund for the conservation and promotion of cultural property or heritage in its environmental, educational and cultural programs, projects and activities.

**Section 40. *Repealing Clause.*** – All other laws, ordinances, resolutions, executive orders and rules and regulations inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

**Section 41. *Separability Clause.*** – Any portion or provision of this Ordinance that may be declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof as long as such remaining provisions can still subsist and be given effect.

**Section 42. *Effectivity Clause.*** – This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation within the City.

/gct  
28\_June version