Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City  
EIGHTEENTH CONGRESS  
Second Regular Session

COMMITTEE REPORT NO. 774

Submitted by the Committee on Basic Education and Culture on MAR 01 2021
Re: House Bill No. 8829
Recommending its approval in substitution of House Bill No. 102
Sponsors: Representatives Romulo and Lagman

Mr. Speaker:

The Committee on Basic Education and Culture, to which was referred House Bill No. 102, introduced by Representative Lagman, entitled:

AN ACT  
PROTECTING THE PHYSICAL INTEGRITY OF A CULTURAL PROPERTY, PENALIZING ANY OBSTRUCTION TO ITS VIEW AND SIGHTLINE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10066 OTHERWISE KNOWN AS THE "NATIONAL CULTURAL HERITAGE ACT OF 2009"

has considered the same and recommends that the attached House Bill No. 8829, entitled:

AN ACT  
PROTECTING THE PHYSICAL INTEGRITY OF A CULTURAL PROPERTY FROM ADVERSE VISUAL IMPACT AND PENALIZING ANY OBSTRUCTION TO ITS VIEW AND SIGHTLINE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10066, OTHERWISE KNOWN AS THE "NATIONAL CULTURAL HERITAGE ACT OF 2009"

be approved in substitution of House Bill No. 102, with Representatives Lagman, Romulo, Suansing (E.), Lacson-Noel, Arenas, and Villarica as authors thereof:

Respectfully submitted,

ROMAN T. ROMULO  
Chairperson  
Committee on Basic Education and Culture

THE HONORABLE SPEAKER  
HOUSE OF REPRESENTATIVES  
QUEZON CITY
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8829
(In substitution of House Bill No. 102)

Introduced by Representatives Lagman, Romulo, Suansing (E.), Lacson-Noel, Arenas, and Villarica

AN ACT
PROTECTING THE PHYSICAL INTEGRITY OF A CULTURAL PROPERTY FROM ADVERSE VISUAL IMPACT AND PENALIZING ANY OBSTRUCTION TO ITS VIEW AND SIGHTLINE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10066, OTHERWISE KNOWN AS THE “NATIONAL CULTURAL HERITAGE ACT OF 2009”

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

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

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

SEC. 3. Article II, Section 3 of Republic Act (R.A.) No. 10066, otherwise known as the “National Cultural Heritage Act of 2009,” is hereby amended, to read as follows:

“SEC. 3. **Definition of Terms.** — For purposes of this Act, the following terms shall be defined as follows:

x x x

(o) “Cultural property” shall refer to all products of human creativity by which a people and a nation reveal their identity, including [churches, mosques and other places of religious worship, schools and natural history specimens and sites, whether public or privately-owned, movable or immovable, and tangible or intangible] NATIONAL HISTORICAL SHRINES, MONUMENTS AND LANDMARKS, AS DECLARED BY THE NATIONAL HISTORICAL COMMISSION OF THE PHILIPPINES (NHCP);

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

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

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

xxx

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

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

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

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

"SEC. 25. Power to Issue a Cease and Desist Order. — When THE SIGNIFICANCE
AND ESPECIALLY the physical integrity of national cultural treasures,
NATIONAL HISTORICAL LANDMARKS, SHRINES, MONUMENTS AND SITES, or important cultural properties are found to be in danger of destruction or [significant] SUBSTANTIVE alteration [from its original state], INCLUDING THAT WHICH WOULD LEAD TO AN ADVERSE VISUAL IMPACT, THE COMMISSION, the appropriate cultural agency, OR BOTH, shall immediately issue a Cease and Desist Order ex parte suspending all activities that will affect the cultural property. The local government unit which has the jurisdiction over the site where the immovable cultural property is located shall report the same to the appropriate cultural agency immediately upon discovery and shall promptly adopt measures to [secure] PROTECT THE SIGNIFICANCE AND [the] integrity of such immovable cultural property. Thereafter, THE COMMISSION, the appropriate cultural agency, OR BOTH, shall give notice to the owner or occupant of the cultural property and conduct a hearing on the propriety of the issuance of the Cease and Desist Order. The suspension of the activities shall be lifted only upon the written authority of THE COMMISSION, the appropriate cultural agency, OR BOTH, after due notice and hearing involving the interested parties and stakeholders.”

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

“SEC. 48. Prohibited Acts. – To the extent that the offense is not punishable by a higher punishment under another provision of law, violations of this Act may be made by whoever intentionally:

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

(b) Modifies, alters, or destroys the original features of or undertakes construction or real estate development in any national shrine, monument, landmark and other historic edifices and structures, declared, classified, and marked by the National Historical Institute as such, without the prior written permission from the Commission. This includes the designated security or buffer zone, extending five (5) meters from the visible perimeter of the monument or site;]
(B) AUTHORIZES OR ALLOWS THE CONSTRUCTION OF, OR
CONSTRUCTS, A BUILDING OR SIMILAR STRUCTURE THAT BECAUSE OF
ITS SIZE, DESIGN, PURPOSE, PROXIMITY OR ANY OTHER RELEVANT
CONSIDERATION CAUSES NEGATIVE OR ADVERSE VISUAL IMPACT ON
ANY CULTURAL PROPERTY ENUMERATED IN SECTION 48(a) OF THIS
ACT.

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

xxx

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

SEC. 8. Separability Clause. – If any provision of this Act is declared unconstitutional,
the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

All other laws, executive orders, presidential decrees, proclamations, rules, regulations, issuances,
and enactments or parts thereof inconsistent with this Act are hereby repealed or modified
accordingly.

SEC. 10. Effectivity. – This Act shall take effect fifteen (15) days after its publication in
the Official Gazette or in a newspaper of general circulation.

Approved,
House of Representatives
Committee Affairs Department

FACT SHEET

House Bill No. 8829
As approved at the Committee level on 29 October 2020

CULTURAL PROPERTY SIGHTLINE ACT

Introduced by Reps. Lagman and Romulo

Committee Referral: COMMITTEE ON BASIC EDUCATION AND CULTURE
Committee Chairperson: REP. ROMAN T. ROMULO

OBJECTIVE:

- To prohibit any real estate development that could ruin or obstruct the view, vista, sightline, or setting of the country's national shrines, monuments, landmarks or other cultural properties

KEY PROVISIONS:

- Amends Section 3 of Republic Act No. 10066, otherwise known as the "National Cultural Heritage Act of 2009" by modifying the definitions of "Cultural property," "Historical landmark," "Historical monument," and "Historical shrine" as well as by adding the definition of "Visual Impact"

- Expands Section 20 of the same law to include national historical landmarks, shrines, monuments, and sites that should not be relocated or altered through any substantive development that would adversely affect their visual impact

- Expands Section 25 of the same law by stipulating that the issuance of a cease and desist order by the appropriate cultural agency or the National Commission on Culture and the Arts shall also be applied to any infringement against national historical landmarks, shrines, monuments, and sites, including their visual impact

- Amends Section 48 of the same law by adding a new subsection (b), which prohibits any construction of structures that would cause adverse visual impact to any cultural property, and likewise mandates local government units to pass an ordinance for the protection of any cultural property in their jurisdictions

RELATED LAWS:

- The 1987 Philippine Constitution