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GUIDELINES GOVERNING THE DECLARATION AND DELISTING OF CULTURAL PROPERTIES AS NATIONAL CULTURAL TREASURES AND IMPORTANT CULTURAL PROPERTIES; AND ITS DEALINGS AND CONSERVATION ASP...

NM OFFICE ORDER NO. 2012-35, January 20, 2012

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Pursuant to Section 6 of the "Cultural Properties Preservation and Protection Act" (R. A. No. 4846 as amended by P.D. No. 374), Presidential Decree 260; the "National Museum Act of 1998" (R.A. No. 8492) and Sections 4,7, and 8 of Article III and Section 23 of Article VI of the Republic Act No. 10066, otherwise known as "The National Cultural Heritage Act of 2009", the following guidelines governing the Declaration or Delisting of Cultural Properties as National Cultural Treasures (NCTs) and Important Cultural Properties (ICPs); and its dealings and conservation aspects are hereby promulgated for the guidance of all concerned:

Section 1. Declaration of Policy. The Constitution of the Philippines provides that the "State shall promote and popularize the nation's historical and cultural heritage resources". It is also the policy of the state to preserve and protect National Cultural Treasures and Important Cultural Properties of the nation and to safeguard their intrinsic value.

These cultural properties of the nation are necessary and indispensable in the understanding of its history and culture.

Section 2. Scope and Coverage. These guidelines shall govern the declaration of intangible and tangible cultural properties that will include both movable and immovable cultural properties.

The responsibility of the National Museum shall be guided by the following:

- Fine Arts collection includes built heritage with artistic, aesthetic, architectural, technological, cultural, social and spiritual or religious significance; paintings, sculptures, works of arts and other objects classified as antiques;

- Archaeological collection refers to artifacts, ecofacts and features;

- Anthropological collection refers to ethnographic items that are product of human culture that are presently made and those that ceased to exist;

- Botanical collection refers to spore bearing and flowering plants (Kingdom Plantae) and plant-like organisms (Kingdom Protista and Fingi);

- Geological collection refers to rocks, mineral and fossils;

- Zoological collection refers to all organisms belonging to Kingdom Animalia; and

- Astronomical collection refers to any extraterrestrial objects that may fall in the Philippines.

Section 3. Objectives. The objectives of these Guidelines are:

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3.1 To establish policies and procedures on the declaration and delisting of significant cultural properties as NCTs and ICPs; and

3.2 To provide appropriate guidelines for dealings and conservation of NCTs and ICPs and disposition thereof, to protect the interest of the Government and to preserve the cultural heritage of the Filipino people.

Section 4. Definition of Terms. As used in and for purposes of these guidelines, the following terms shall mean:

4.1 Archaeological materials are fossils, artifacts, relics, antiques, and other cultural, geological, botanical, zoological materials collected from any place, whether above or underground, underwater or at sea level, which depict and document culturally relevant paleontological, prehistoric and/or historic events.

4.2 Antique refers to a cultural property found locally which is one hundred (100) years in age, more or less, the production of which has ceased.

4.3 Artifacts refers to articles that are products of human skills or workmanship, especially in the simple product of primitive arts or industry representing past eras or periods.

4.4 Cultural Property refers 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.

4.5 Ecofacts are organic materials from archaeological sites, such as bones, shells and plant remains with cultural significance but not modified by man.

4.6 Grades of Cultural Property refers to the different ranks of cultural properties (Grade I, Grade II and Grade III) classified according to its level of significance.

4.7 Important Cultural Property (ICP) refers to a cultural property having exceptional cultural, artistic, historical and/or scientific significance to the Philippines, as shall be determined by the National Museum.

4.8 Intangible Cultural Property refers to the peoples' learned processes along with the knowledge, skills and creativity that inform and are developed by them, the products and other manifestations they create and the resources, spaces and other aspects of social and natural context necessary for their sustainability.

4.9 National Cultural Treasure refers to a 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 the National Museum.

4.10 Nationally significant refers to 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.

4.11 Natural History Specimens classified as cultural property shall include type (Holotype) specimens, endangered and irreplaceable (fossils, plants and animals).

4.12 Relics refer to objects possessing cultural properties which, either as a whole or in fragments, are left behind after the destruction or decay of the rest or parts, and which are intimately associated with important beliefs, practices, customs and traditions, persons and personages.

4.13 Tangible Cultural Property refers to a 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.

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4.14 Traditional Ethnographic Materials are tangible cultural materials made and used by ethnolinguistic groups of the Philippines; Replicas of ethnographic materials for commercial purposes are not classified as cultural property.

Section 5. Grades of Cultural Property. The following are Grades of Cultural Property classified according to its level of significance:

5.1 National Cultural Treasure (Grade I) is a cultural property with highest significance, having criteria previously defined by the National Museum;

5.2 Important Cultural Property (Grade II) is cultural property of high significance, again, having criteria previously defined by National Museum; and

5.3 Cultural Property (Grade III) refers to all the other cultural properties outside Grades I and II that have been listed in the National Museum Registry of Cultural Property.

Section 6. Procedures for Declaration, or Delisting of National Cultural Treasures and Important Cultural Properties

6.1 The National Museum (NM) through its Cultural Properties Division (CPD) in coordination with concerned division shall identify cultural property that are potential National Cultural treasure (NCT) and Important Cultural Property (ICP);

6.2 Owners of cultural property and other individuals, organizations and institutions may request the NM to declare cultural property as NCT or ICP;

6.3 In case of a local government unit, a Sanguniang Bayan Resolution requesting the NM to declare a significant cultural property as NCT and/ or ICP is a requirement;

6.4 The petitioners shall submit a written commitment to a shared responsibility in the maintenance, preservation and protection of the significant cultural property;

6.5 The CPD and a representative from the concerned division shall conduct an initial and/or ocular assessment and evaluation of cultural property using the following criteria:

6.5.1 Represents a masterpiece of Filipino creativity;

6.5.2 Bears a unique or at least exceptional testimony to Philippine cultural tradition (extinct or extant);

6.5.3 An outstanding or highly exceptional example of type of building, architectural or technological ensemble or landscape which illustrates significant stages in Philippine History;

6.5.4 An outstanding or highly exceptional example of traditional human settlement which is representative of a culture or human interaction with the environment;

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6.5.5 Associated with events or living traditions with ideas, or with beliefs, with artistic and literary works of outstanding or highly exceptional significance;

6.5.6 Buildings and structures at least 50 years old; must reasonably intact – 70% authentic; interiors must have been preserved most of its original furnishings; and architecture must be an excellent representation of artistic style or technique;

6.5.7 Contains superlative natural phenomenon or areas of exceptional natural beauty and aesthetic importance;

6.5.8 An outstanding or highly exceptional example representing major stages of Philippine geological history or events;

6.5.9 An outstanding or highly exceptional example representing significant ecological and biological processes;

6.5.10 Contains the most important and significant natural habitat for in-situ conservation of biological diversity; and

6.5.11 Plants and animals that are classified as holotype specimens.

6.6 The CPD personnel and the representative from the concerned division of the NM shall fill up the official forms for intangible and tangible cultural properties – movable and immovable (Annexes A, B, C);

6.7 If the cultural property meets one or more of the criteria mentioned above, the owner(s) or administrators thereof shall be required to provide the NM with pertinent data as to their source, date of acquisition and other matters relative thereto;

6.8 Upon verification of the suitability of the property as a NCT or an ICP, the NM shall send the dossiers of identified cultural properties compiled by the CPD, to the National Commission for Culture and the Arts (NCCA) through its appropriate office;

6.9 The NCCA shall send notices of hearing to the owner and stakeholders. Stakeholders, including but not limited to local government units, local culture and arts council, local tourism councils, non-government conservation organizations, and schools, may be allowed to file their support or opposition to the petition; the representatives from the CPD and the concerned division shall participate actively in the hearings;

6.10 The results of the hearings shall be forwarded to the NM by the NCCA for appropriate action;

6.11 The NM Director, after having a compilation of potential NCTs and ICPs, shall create and convene, as often as the need arises, a panel of experts to evaluate and designate the proper classification of those cultural properties;

6.12 The Panel of Experts is a body composed of at least three competent men or women in the specialized

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fields of anthropology, natural sciences, history and archives, fine arts, philately and numismatics, or shrines and monuments, duly designated by the Director IV to evaluate and designate NCTs and ICPs or to declassify the same as need arises;

6.13 If the cultural property has also an outstanding historical value, the NM shall coordinate with the National Historical Commission of the Philippines. Such coordination may take the form of joint declarations;

6.14 The panel shall issue a resolution regarding the declaration; the Director IV affirms or negates the resolution; this may be done through a referendum;

6.15 Fifteen (15) days prior to the meeting of the panel of experts, an invitation shall be sent to the owner to attend in the deliberation and to be given a chance to be heard; failure on the part of the owner to attend the deliberation shall not bar the panel from renderings its decision;

6.16 The declaration which shall be given by the panel duly affirmed by the Director IV within a week after its deliberation shall become final and binding thirty (30) days from the date of the declaration. Within thirty (30) days from the date of declaration, a written motion for reconsideration may be filed by the owner thereof and if the same is denied by the panel, it may be further appealed to the Chairman of the NM Board of Trustees with two experts as members or the Chairman of the National Commission for Culture and the Arts. Their decision shall be final and binding;

6.17 The time during which motion for reconsideration or appeal has been pending shall stay the period of the finality of the judgment;

6.18 Procedure for declassification or delisting of NCTs and ICPs shall be made in accordance with the preceding provisions; the grounds for delisting shall be the following:

6.18.1 New evidence and substantial proof that the NCT and/or ICP does not merit the outstanding significance and recognition given to it;

6.18.2 Misrepresentation by the owner, administrator or custodian of the NCT and or ICP;

6.18.3 Reconstruction and restoration works undertaken without the approval of the NM;

6.18.4 Unwarranted intervention, damage and degradation so severe as to diminish or destroy its authenticity or integrity; and restoration introduced is found to be untenable; and

6.18.5 NCTs declared by law (Presidential Decrees and Presidential Proclamations) may be delisted unless by a specific act from the Office of the President or legislature revoking or amending the declaration.

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6.19 All NCTs and ICPs shall be included in the Philippine Registry of Cultural Property;

6.20 All declarations shall be covered with a Memorandum of Agreement between the NM and the administrator of the NCT and/or ICP; the agreement shall detail the powers, obligations and limitations agreed upon regarding the maintenance and use of the of the concerned cultural property; and

6.21 A public declaration shall be conducted prior to the unveiling of the NCT and or ICP marker; during public declaration, the NM shall provide the owner, administrator or the custodian an original copy of the resolution and declaration fastened in an official certificate folder of the NM with its logo on the cover; the color of the folder is maroon and the logo is gold (Appendices D, E and F).

Section 7. Dealings of National Cultural Treasures and Important Cultural Properties

7.1 The National Museum shall be given the right of first refusal in the purchase of cultural properties declared as National Cultural Treasures. The National Museum shall appropriate funds annually or use its donated funds for such purpose;

7.2 No Cultural Properties under Grades I and II shall be sold, resold, or taken out of the country without first securing a clearance from the National Museum;

7.3 Cultural Properties under the category Grades I and II shall not change ownership, except by inheritance or by sale duly approved by the National Museum; provided, however, that it may not be taken out of the country for reasons of inheritance or sale;

7.4 Cultural Properties under the category Grades I and II may be taken out of the country only with the Permit To export from the National Museum 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; and

7.5 Cultural Properties under the category Grade III may be taken out of the country only with the Permit to Export from the National Museum.

Section 8. Privileges of NCTs and ICPs. All cultural properties declared as NCTs shall be entitled to the following privileges:

8.1 Priority government funding for protection, conservation and restoration;

8.2 Incentive for private support of conservation and restoration through the Commission’s Conservation Incentive Program for National Cultural treasures;

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8.3 In times of armed conflict, natural disasters, and other exceptional events that endanger the cultural heritage of the country, all NCTs shall be given utmost priority protection by the Government; and

8.4 All cultural property declared as ICPs may also receive government funding for its protection, conservation, and restoration.

Section 9. Issuance of Certificate and Installation of NCT and ICP Marker

9.1 For all cultural properties, movable and immovable, declared as NCTs and ICPs, a certificate of declaration shall be issued as a documentary evidence of its signficance;

9.2 A Heritage marker indicating that the immovable cultural property has been identified as NCTs and or ICPs shall be placed on an immovable cultural property;

9.3 The official certificate (legal size) shall be written in English while the NCT and ICP markers shall be written in Filipino, the national language;

9.4 The NM shall bear the cost of marker fabrication;

9.5 Upon request, the marker may be written in local language or dialect but the cost of fabrication shall be borne by the requesting party;

9.6 The NM shall coordinate with the Komisyon ng Wikang Pambansa in the translation of the text of the marker to Filipino and local languages / dialects;

9.7 The NCT/ICP marker shall be made of cast iron material, having a molded text plate/panel on which the declaration is embossed; the dimension of the marker is height: 24 inches; width: 18 inches;

9.8 The official seal of the republic of the Philippines and the year of the marker shall be placed at the top of the marker;

9.9 The marker shall be attached to the wall at eye level in the interior of the declared building where it can be best viewed by the public, or installed on a separate pedestal at appropriate location;

9.10 The unveiling of the marker shall be held in conjunction with the significant event or upon request of the administrator/owner of the NCT and/or ICP; in coordination with the NM, the administrator or owner of the NCT and/or ICP shall prepare a program to commemorate the unveiling of the marker;

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9.10 The official certificate and NCT/ICP markers appear in Appendices G and H;

9.11 For joint declaration, the NHCP Heritage marker may include in the text the designation of the cultural property as a National Cultural Treasure;

9.12 The marker is government property and as such may not be removed, altered or destroyed without the written authority from the director of the NM. Anyone who vandalizes the marker or violates this provision shall be charged criminally in keeping with the law;

9.13 The marker shall not be removed from the original site or structure, neither shall it be transferred to another site or location without the prior written permission from the NM director; and

9.14 In case of a lost marker, a replacement shall be fabricated that retains the seal of the Republic, year of original installation, and the original agency which installed the marker.

Section 10. Conservation of NCTs and ICPs

10.1 The NM shall prioritize technical assistance projects in the urgency of the need for conservation or restoration;

10.2 Technical assistance to be provided by the Restoration and Engineering Division and/or Chemistry and Conservation Laboratory Division, shall consist of feasibility studies, architectural, structural and other technical plans and drawings;

10.3 All intervention works and measures on conservation of NCTs and ICPs shall be undertaken only upon prior approval of the NM which shall supervise the same;

10.4 The NM through its restoration and engineering division and/or Chemistry and Conservation Laboratory division shall approve only those methods and materials that strictly adhere to the accepted international standards of conservation;

The NM shall comply with international principles of conservation as set forth in the following:

10.4.1 International Charter for Conservation and Restoration of Monuments and Sites, 1946 / 1981 (Venice Charter);

10.4.2 Charter on the Conservation of Historic Towns and Urban Areas, 1987 (Washington Charter);

10.4.3 Nara document on Authenticity;

10.4.4 Code of Ethics of the American Institute for Conservation of Historic and Artistic Works; and

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10.4.5 Other universally accepted standards of conservation.

10.5 Given the potentially large number of NCTs and ICPs, the cost of the maintenance, conservation and restoration, the extent of need and budgetary constraints, the principle of shared responsibility between the NM and concerned government units or private parties shall be vigorously encouraged; this responsibility shall also include raising public awareness of the NCT or ICP; and

10.6 Immovable NCTs and ICPs 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.

Section 11. Separability Clause. If any of the provisions of these rules and regulations is held or declared to be unconstitutional or invalid by a competent court, the other provisions hereof shall continue to be in force as if the provision so annulled or voided had never been incorporated in these rules and regulations.

Section 12. Repealing and Amending Clause. These Guidelines amends and/or revoke other orders, rules and regulations inconsistent herewith.

Section 13. Effectivity. This Office Order shall take effect fifteen (15) days after registration with the Office of the National Administrative register.

Adopted: 30 January 2012

APPROVED:

(SGD.) JEREMY BARNS
Director IV

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