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GUIDELINES GOVERNING THE CATEGORIZATION AND DEALINGS OF ARCHAEOLOGICAL AND TRADITIONAL ETHNOGRAPHIC MATERIALS

NMP OFFICE ORDER NO. 2011- 108, May 02, 2011

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Pursuant to Sections 5 and 11 of Article III, and Sections 23 and 24 of Article VI of the Republic Act No. 10066, otherwise known as “The National Cultural Heritage Act of 2009”, the following guidelines 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 Important Cultural Properties and National Cultural Treasures 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 categorization and dealings of archaeological and traditional ethnographic materials for the purposes of protecting, and regulating the export, transit, import and repatriation of cultural property.

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

3.1

To rationalize the system of categorization of archaeological and traditional ethnographic materials;

3.2

To provide appropriate guidelines for dealings of cultural property 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

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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

Ching (Qing) Dynasty is the period in Chinese history that started from 1664 AD to 1912 AD under the Manchu rule.

4.5

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.

4.6

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

4.7

Five Dynasties is a period in Chinese history known as the era of disunion that started from 907 AD to 960 AD.

4.8

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.

4.9

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.

4.10

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. 11

Ming Dynasty is a period in Chinese history that started from 1368 AD to 1644 AD, the era when the Chinese re-asserted control in China and Eastern Asia.

4.12

Metal Age is the period in Philippine Cultural Chronology marked by the introduction of metals from 2,000 to 1,500 years ago.

4.13

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.

4.14

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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.

4.15

Neolithic Age refers to the New Stone Age, the period in which plants and probably animals were domesticated from 10,000 to 2,000 years ago.

4.16

Paleolithic Age refers to the Old Stone Age, dating from the first use of stone by humans from 800,000 to 10,000 years ago.

4.17

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 it ’s parts, and which are intimately associated with important beliefs, practices, customs and traditions, persons and personages.

4.18

Song Dynasty was a ruling dynasty in China between 960 and 1279 is divided into two distinct periods: the Northern Song and Southern Song.

4.19

Tang Dynasty was the most radiant historic period in China ’s history that started from 618 AD and ending in 907 AD.

4.20

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.

4.21

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

4.22

Yuan Dynasty was a ruling dynasty founded by Kublai Khan, who ruled most of present-day China, Mongolia and its surrounding areas from 1271 AD to 1368 AD.

Section 5. Categories of Archaeological and Traditional Ethnographic Materials. 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

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previously defined by National Museum.

5.3.

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

Section 6. Classification of Archaeological and Traditional Ethnographic Materials. The Classification of Archaeological and Traditional Ethnographic Materials into Categories / Grades is guided by the following:

6.1.

National Cultural Treasure (Grade I)

6.1.1.

Archaeological and Traditional Ethnographic materials with outstanding historical, cultural, artistic and/or scientific value which is nationally significant and important to the country and nation, and officially declared as such by the National Museum and supported by the Panel of Experts.

6.2.

Important Cultural Property (Grade II)

6.2.1.

Archaeological materials dated back to Paleolithic, Neolithic, and Metal Periods

6.2.2.

Archaeological materials attributed to Tang, Five and Yuan Dynasties

6.2.3.

Archaeological materials attributed to Song, Ming and Ching Dynasties; and other archaelogical materials from other countries with exceptional cultural, artistic, and historical significance to the Philippines, as determined by the National Museum and supported by the Panel of Experts.

6.2.4.

Ethnographic materials that are at least 100 years old from the date of collection, with cultural significance and extensive documentation.

6.3

Cultural Property (Grade III)

6.3.1

Archaeological materials not classified as Grades I and II that have been listed in the Registry of National Museum Data Bank.

6.3.2

Ethnographic materials that are at least 50 years old from the date of collection, with cultural significance and proper documentation.

Section 7. Dealings of Archaeological and Traditional Ethnographic Materials

7.1

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The National Museum shall be given the right of first refusal in the purchase of Archaeological and Traditional Ethnographic materials declared as National Cultural Treasures. The National Museum shall appropriate funds annually or use its donated funds for such purpose.

7.2

No archaeological and Traditional Ethnographic materials 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

Archaeological and Traditional Ethnographic materials 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

Archaeological and Traditional Ethnographic materials 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.

7.5

Archaeological and Traditional Ethnographic materials under the category Grade III may be taken out of the country only with the Permit to Export from the National Museum.

Section 8. 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 9. Repealing and Amending Clause. These Guidelines amends and/or revoke other orders, rules and regulations inconsistent herewith.

Section 10. Effectivity. This Office Order shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation and fifteen days after registration with the Office of the National Administrative Register.

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