

AN ACT TO REPEAL ACT NUMBERED THIRTY EIGHT HUNDRED SEVENTY FOUR, AND TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF PHILIPPINE CULTURAL PROPERTIES.

REPUBLIC ACT NO. 4846, June 18, 1966

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

SECTION 1. This Act shall be known as the "Cultural Properties Preservation and Protection Act."

SEC. 2. It is hereby declared to be the policy of the state to preserve and protect the cultural properties of the nation and to safeguard their intrinsic value.

SEC. 3. Definition of terms.

- Cultural properties are old buildings, monuments, shrines, documents, and objects which may be classified as antiques, relics, or artifacts, landmarks, anthropological and historical sites, and specimens of natural history which are of cultural, historical, anthropological or scientific value and significance to the nation; such as physical, anthropological, archaeological and ethnographical materials, meteorites and tektites; historical objects and manuscripts; household and agricultural implements: decorative articles of personal adornment; works of art such as paintings, sculptures, carvings, jewelry, music, architecture, sketches, drawings, or illustrations in part or in whole; works of industrial and commercial art such as furniture, pottery, ceramics, wrought iron, gold, bronze, silver, wood, or other heraldic items, metals, coins, medals, badges, insignias, coat of arms, crests, flags, arms, and armor; vehicles or ships or boats in part or in whole.
- Cultural treasures are cultural properties which are segregated and designated as cultural treasures in accordance with the procedure provided for in Section seven of this Act.
- Antiques are cultural properties which are one hundred years or more in age or even less, but their production having ceased, they have, therefore, become or are becoming rare.
- Relics are cultural properties which, either as a whole or in fragments, are left behind after the destruction or decay of the rest of its parts and which are intimately associated with important beliefs, practices, customs and traditions, periods and personages.
- Artifacts are articles which are products of human skills or workmanship, especially in the simple product of primitive arts or industry representing an area or period.
- Natural history specimens are live or preserved specimens of plants and animals, fossils, rocks, and minerals. Only types, presently irreplaceable specimens, and those in danger of extinction shall be embraced in this Act.
- Type, as mentioned in Section seven-b in the context of this Act, is a specimen selected as the best to represent a kind or class of objects consisting of many but almost identical individuals or pieces. In the case of specimens of natural history, the type is the individual specimen which was used as the basis of description establishing the species, in accordance with the rules of nomenclature.

SEC. 4. The National Museum, hereinafter referred to as the Museum, shall be the agency of the Government which shall implement the provisions of this Act.

SEC. 5. The Director of the Museum, hereinafter referred to as the Director, shall undertake a census of the cultural properties of the Philippines, keep a record of their ownership, location, and condition, and maintain an up-to-date register of the same. Private collectors and owners of cultural properties and public and private schools in possession of these items, shall be required to register their collections with the Museum and to report to the same Office any new acquisitions, sales, or transfers thereof.

SEC. 6. The Director is authorized to convene panels of experts, as often as the need for their services may arise, each to be composed of three competent men in the specialized fields of anthropology, natural sciences, history and archives, fine arts, philately and numismatics, and shrines and monuments, etc. Each panel shall, after careful study and deliberation, decide which among the cultural properties in their field of specialization shall be designated as cultural treasure.

SEC. 7. In the designation of a particular cultural property to "cultural treasure", the following procedure shall be observed:

- Before the actual designation, the owner, if the property is privately owned, shall be notified at least fifteen days prior to the intended designation, and he shall be invited to attend the deliberations and be given a chance to be heard. Decision shall be given by the panel within a week after its deliberation. In the event that the owner desires to seek reconsideration of the designation made by the panel, he may do so within thirty days from the date that the decision has been rendered. If no request for reconsideration is filed after this period, the designation is then considered final and executory. Any request for reconsideration filed within thirty days and subsequently again denied by the panel, may be further appealed to another panel chairmaned by the Secretary of Education, with two experts as members appointed by the President of the Philippines. Their decision shall be final and binding.
- For each kind or class of objects, only type and five best duplicates may be designated as "cultural treasures". The remainder, if any, shall be treated as cultural property.
- Designated "cultural treasures" shall be permanently and consciously marked, describes and photograph. The owner retains possession of the same but the museum shall keep a record containing such information as name of article, owner, period, source, location, description, photograph, identifying marks, approximate value, and other such pertinent data.

SEC. 8. Cultural treasures shall not change ownership, except by inheritance, without the prior notification to and notations made by the Museum in the records. They may not be taken out of the country for reasons of inheritance.

SEC. 9. Cultural treasures may be taken out of the country only with a written permit from the Director of the National Museum, and only for purposes of cultural exchange programs or for scientific scrutiny, but shall be returned immediately after such exhibition or study: Provided, That the Director of the National Museum shall require that the cultural treasures be adequately insured against loss or damage by the owners thereof, and shall be properly accompanied and/or protected.

SEC. 10. It shall be unlawful to export or to cause to be taken out of the Philippines any of the cultural properties defined in Section three of this Act, without a written permit from the Director of the National Museum: Provided, however, That in the granting or the withholding of the permit, the provisions of Section seven of this Act shall have been satisfied.

SEC. 11. It shall be unlawful to explore, excavate, or make diggings on archeological or historical sites for the purpose of obtaining materials of cultural or historical value without the prior written authority from the Director of the National Museum. No excavations or diggings shall be permitted without the supervision of an archeologist certified as such by the Director of the National Museum, or of such other person who, in the opinion of the Director, is competent to supervise the work, and who shall, upon completion of the project, deposit with the Museum a detailed report of the operations, describing the methods and techniques employed, his findings, and also furnishing it with a catalogue of all the materials found thereon, in accordance with accepted archeological practices. When excavators shall strike upon any buried cultural property, the excavation shall be suspended and the matter reported immediately to the Director of the National Museum who shall take the appropriate steps to have the discovery investigated and to insure the proper and safe removal thereof, with the knowledge and consent of the owner. The suspension shall not be lifted until the Director of the National Museum shall so allow it.

SEC. 12. All restorations, reconstructions, and preservation of government historical buildings, shrines, landmarks, monuments, and sites, which have been designated as cultural treasures, shall be undertaken with the advice and supervision of the Museum. The Director is likewise authorized to establish a working arrangement with Ecclesiastical authorities who administer church properties, and with owners of privately owned historical buildings, shrines, landmarks, monuments, and sites with the view of preserving the original design and artistic values of the same. The renaming of historical buildings, shrines, landmarks, monuments, sites, and streets of cultural and historical significance, being also a matter of cultural preservation, shall be undertaken only with the advice of the Museum, and the concurrence of the Director of the National Library.

SEC. 13. Any investment by private individuals or institutions for the purchase of cultural properties or for the support of scientific and cultural expeditions, explorations, or excavations, for the purpose of gathering data and of bringing out hidden cultural properties to light, when so certified by the Director of the National Museum, shall be deductible from the income tax returns of the individual or institution: Provided, That when a collector sells any of the cultural properties in his collection, as allowed under this Act, the proceeds therefrom shall be considered as income and therefore subject to taxation: Provided, further, That the Government shall be given the first option to buy these cultural properties when placed on sale.

SEC. 14. The Director of the National Museum is hereby empowered to promulgate rules and regulations for the implementation of the provisions of this Act within the period of three months after its enactment, which, rules and regulations shall be given the widest publicity and also shall be sent directly to known collectors, excavators, archeologists, etc. affected by this Act. Such rules and regulations may be appealed from and decided by the Secretary of Education.

SEC. 15. The Museum may collect fees for registrations, inspections, certifications, authorizations, and permits in compliance with the provisions of this Act: Provided, That the objects or materials attempted to be concealed, from registration or those intended to be exported in violation of this Act shall be confiscated and forfeited to the Government: Provided, further, That if the violation is committed by a juridical person, the manager, representative, director, agent, or employee of said juridical person responsible for the Act shall be liable to the penalties provided herein.

SEC. 16. Penal Provisions.—Any violation of the provisions of this Act, shall, upon conviction, subject the offender to a fine of not more than Ten thousand pesos or imprisonment for a term of not more than two years or both upon the discretion of the court: Provided, That the objects or materials attempted to be concealed from registration or those intended to be exported in violation of this Act shall be confiscated and forfeited to the Government; Provided, further, That if the violation is committed by a juridical person, the manager,

representative, director, agent or employee of said juridical person responsible for the Act shall also be liable to the penalties provided herein.

SEC. 17. The sum of fifty thousand pesos (P50,000.00) is hereby authorized to be appropriated annually out of any funds in the National Treasury, not otherwise appropriated, to carry out the provisions of this Act.

SEC. 18. Repealing Provisions.—Act Three thousand eight hundred and seventy-four entitled "An Act Prohibiting the Exportation of Antiques of the Philippine Islands" and all other Acts or parts thereof contrary to the provisions of this Act are hereby repealed.

SEC. 19. This Act shall take effect upon its approval.

Approved, June 18, 1966.

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