



Republic of the Philippines
PROVINCE OF NUEVA ECIJA
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE 18TH REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF NUEVA ECIJA HELD VIA ZOOM, VIRTUAL ONLINE SESSION, ON

MAY 8, 2020

PRESENT:

VG. EMMANUEL ANTONIO M. UMALI	- Vice Governor (P.O.)
BM. RAFAEL ANDREW R. VILLANUEVA	- Member
BM. NAPOLEON P. INTERIOR, JR.	- Member
BM. EDUARDO JOSE B. JOSON, VII	- Member
BM. JO MARIO ANGELO E. MATIAS	- Member
BM. TERESITA A. PATIAG	- Member
BM. ROSELLER T. DE GUZMAN	- Member
BM. ERIC DANIEL F. SALAZAR	- Member
BM. ESMERALDO B. ABALOS	- Member
BM. JOSEPH R. ORTIZ	- Member
BM. BELINDA E. PALILIO	- Member (President-PCL)
BM. ARIEL L. MATIAS	- Member (President-LnB)
BM.MARY SWEET LIBERTY N. CRUZ	- Member (President-SK Federation)

ABSENT:

BM. EMARY JOY D. PASCUAL - Member

ORDINANCE NO. 37-s-2020

AN ORDINANCE PROVIDING FOR THE RECOGNITION, PRESERVATION, CONSERVATION AND PROTECTION OF THE CULTURAL PROPERTIES, HISTORICAL MARKERS, MONUMENTS AND SHRINES OF NUEVA ECIJA, AND FOR OTHER PURPOSES

WHEREAS, the Provincial Government of Nueva Ecija recognizes the importance of Culture, and its external representations, as one of the foundations of a civilized and harmonious society;

WHEREAS, Article XIV, Section 14 of the 1987 Constitution provides that the State shall foster the preservation, enrichment, and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression. Section 16 of the same Article also provides that 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, Section 16 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", provides that the Local Government Unit plays an important role in the development, promotion and preservation of Filipino culture and encourage the participation of the people in the development and preservation of the Filipino Identity;

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 Culture 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, in the pursuit of recognizing, conserving and protecting the cultural properties of Nueva Ecija, we envision to preserve our rich and historic cultural identity for the next generation of Novo Ecijanos and Filipinos;

NOW THEREFORE, under the suspended rules, on motion of Board member Joseph R. Ortiz and duly seconded by all members present;

BE IT ENACTED, as it is hereby enacted by the Sangguniang Panlalawigan of Nueva Ecija, by virtue of the powers vested in it by law, in session assembled, that:

PROVINCIAL ORDINANCE NO. 37
Series of 2020

AN ORDINANCE PROVIDING FOR THE RECOGNITION, PRESERVATION, CONSERVATION AND PROTECTION OF THE CULTURAL PROPERTIES, HISTORICAL MARKERS, MONUMENTS AND SHRINES OF NUEVA ECIJA, AND FOR OTHER PURPOSES

SECTION 1. TITLE—This ordinance shall be known as “**NUEVA ECIJA CULTURAL PROPERTIES CONSERVATION ORDINANCE**”.

SECTION 2. SCOPE—This ordinance shall apply to the recognition, preservation, conservation and protection of all cultural properties, historical markers, monuments and shrine located within the territorial jurisdiction of Nueva Ecija. It also includes the recognition and protection of cultural properties, historical markers, monuments and shrines that are located outside Nueva Ecija but are attributable and have cultural and historical importance to Nueva Ecija.

SECTION 3. DEFINITION OF TERMS – For purposes of this Ordinance, the terms enumerated in this Section shall be defined and interpreted as follows:

- (a) "Adaptive reuse" shall refer to 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" shall refer to any place where studies of specific ethno-linguistic groups are undertaken, the properties of which are of value to our cultural heritage.

- (c) "Antique" shall refer to 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" shall refer to any place, whether above or under ground, underwater or at sea level, containing fossils, artefacts and other cultural, geological, botanical, zoological materials which depict and document culturally relevant paleontological, prehistoric and/or historic events.
- (e) "Archives" shall refer to 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" shall refer to 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" shall refer to any person who or institution that acquires cultural property for purposes other than sale.
- (h) "Commission" shall refer to the National Commission for Culture and the Arts (NCCA).
- (i) "Conservation" shall refer to all 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 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 Institute (Philippine history); National Archives (documents); Cultural Center of the Philippines (culture and the arts); and Komisyon sa Wikang Filipino (language).
- (k) "Cultural education" shall refer to the teaching and learning of cultural concepts and processes.
- (l) "Cultural heritage" shall refer to the totality of cultural property preserved and developed through time and passed on to posterity.
- (m) "Cultural heritage worker" shall refer to an individual undertaking cultural heritage work.

- (n) "Cultural institution" shall refer to entities engaged primarily in cultural work.
- (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.
- (p) "Dealers" shall refer to natural or juridical persons who acquire cultural property for the purpose of engaging in the acquisition and disposition of the same.
- (q) "Heritage zone" shall refer to historical, anthropological, archaeological, artistic geographical areas and settings that are culturally significant to the country, as declared by the National Museum and/or the National Historical Institute.
- (r) "History" shall refer to a written record of past events relating to Philippine history.
- (s) "Historical 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.
- (t) "Historical monuments" shall refer to structures that honor illustrious persons or commemorate events of historical value as declared by the National Historical Institute.
- (u) "Historical shrines" shall refer to historical sites or structures hallowed and revered for their history or association as declared by the National Historical Institute.
- (v) "Historical street name" shall refer to a street name which has been in existence for at least fifty (50) years and over time has been considered historic.
- (w) "Important cultural property" shall refer to a cultural property having exceptional cultural, artistic and historical significance to the Philippines, as shall be determined by the National Museum and/or National Historical Institute.
- (x) "Intangible cultural heritage" shall refer to the practices, representations, expressions, knowledge and skills, as well as the instruments, objects and artefacts 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.
- (y) "Intangible cultural property" shall refer to the 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.

- (z) "Library" shall refer to an 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.
- (aa) "Museum" shall refer to a permanent institution that researches, acquires, conserves, communicates and exhibits the material evidence of humans and their environment for purposes of education or leisure.
- (bb) "National cultural treasure" shall refer 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 pertinent cultural agency.
- (cc) "Nationally significant" shall refer 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.
- (dd) "Natural property of cultural significance" shall refer to areas possessing outstanding ecosystem with flora and fauna of national scientific importance under the National Integrated Protected Areas System.
- (ee) "NCCA Portal Cultural Databank" refers to the specific domain in the Commission's intranet for cultural information that is accessed only internally with control and confidentiality. It includes the registry of national cultural property.
- (ff) "Prehistory" shall refer to the period of human history before the introduction of the forms of writing.
- (gg) "Registry" shall refer to the Philippine Registry of Cultural Property which is the registry of all cultural property of the country deemed of significant importance to our cultural heritage.
- (hh) "Restoration" shall refer to the action taken or the technical intervention to correct deterioration and alterations.
- (ii) "Tangible cultural property" shall refer 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.

SECTION 4. 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 otherwise declared by the pertinent cultural agency:

Unless declared by the Commission,

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

Unless declared by the National Museum,

- (c) Archaeological and traditional ethnographic materials;

Unless declared by the National Historical Institute,

- (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 which shall not be unreasonably withheld.

SECTION 5. PRIVILEGES FOR CULTURAL PROPERTY – All cultural properties declared as national cultural treasures and national historical landmarks, sites or monuments, and those declared and included in the list of local cultural properties of Nueva Ecija, shall be entitled to the following privileges under Republic Act No. 10066 or under this Ordinance:

- (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 of the country, 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 6. 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 Provincial Government of Nueva Ecija, the Nueva Ecija Tourism Council, the Nueva Ecija Council for History, Culture and the Arts, local culture and arts council of interested cities/ municipalities, local tourism councils of interested cities/municipalities, non-government conservation organizations, the academe, and other interested parties with legal standing, 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 7. RIGHT OF FIRST REFUSAL ON THE SALE OF NATIONAL AND LOCAL CULTURAL TREASURES. - The appropriate cultural agency shall be given the right of first refusal in the purchase of cultural properties 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.

Subsequently, the Provincial Government of Nueva Ecija or appropriate Cities/ Municipalities shall also be given the right of first refusal in the purchase of cultural properties declared as local cultural property. Likewise, prior to the finality of the sale, the interested Local Government Unit may match any offer made for the purchase of such local cultural property.

SECTION 8. 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. The cultural agencies may charge and collect fees for registration as well as for licenses, inspections, certifications, authorizations and permits that they issue and undertake in connection with the implementation of this Act. Funds generated from these collections by cultural agencies shall be retained by the cultural agency concerned for its operations.

SECTION 9. 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.

SECTION 10. DESIGNATION OF HERITAGE ZONES. - In the classification or reclassification of land uses within the Province, the Provincial Government of Nueva Ecija or interested City/ Municipal Local Government in coordination with the Nueva Ecija Council for History, Culture and the Arts 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 the Housing and Land Use Regulatory Board, and other concerned agencies, the designation of heritage zone or zones within the Province or City/ Municipality to protect its historical and cultural integrity.

SECTION 11. MAINTENANCE OF HERITAGE ZONES. - A heritage zone shall be maintained by the Provincial, City or Municipal Government concerned, in accordance with the following guidelines:

- (a) Implementation of adaptive reuse of cultural property;
- (b) Appearance of streets, parks, monuments, buildings, and natural bodies of water, canals, paths and barangays within a locality shall be maintained as close to their appearance at the time the area was of most importance to Philippine history as determined by the National Historical Commission of the Philippines; and
- (c) Provincial, City or Municipal Government concerned shall document and sustain 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 a locality.

SECTION 12. ESTABLISHMENT OF A NUEVA ECIJA 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 Provincial Government of Nueva Ecija through the Provincial Tourism Office shall establish and maintain the Nueva Ecija Registry of Cultural Property that shall contain the inventory of cultural properties within the Province. The guidelines in the registration of local cultural property are as follows:

- (a) The Provincial Government of Nueva Ecija through the Provincial Tourism Office 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 Provincial Government of Nueva Ecija through the Provincial Tourism Office shall, after registration, give due notice to the concerned Registry of Deeds for annotation on the land titles pertaining to the same;
- (b) The Provincial Government of Nueva Ecija through the Provincial Tourism Office shall likewise maintain an inventory of cultural property under its jurisdiction and shall furnish the National Commission for Culture and the Arts a copy of the same;

- (c) The Provincial Government of Nueva Ecija through the Provincial Tourism Office and cultural agencies concerned shall continuously coordinate in making entries and in monitoring the various cultural properties in their respective inventory;
- (d) Provincial Government of Nueva Ecija through the Provincial Tourism Office shall report their ownership and/or possession of such items to the pertinent cultural agency;
- (e) Private collectors and owners of cultural properties within the Province shall register such properties with the Provincial Government of Nueva Ecija through the Provincial Tourism Office. The 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 13. 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 previously marked by the National Museum and/or the National Historical Commission before the implementation of this Act, shall be undertaken through the appropriate cultural agency which shall supervise the same.

The appropriate cultural agency shall approve only those methods and materials that strictly adhere to the accepted international standards of conservation.

SECTION 14. DOCUMENTATION AND PRESERVATION OF TRADITIONAL AND CONTEMPORARY ARTS. - Interested Local Government Units shall document traditional and contemporary arts and crafts, including their processes and makers, and sustain the sources of their raw materials. They shall encourage and sustain traditional arts and crafts as active and viable sources of income for the community.

The Commission, the Department of Trade and Industry, the Department of Tourism and other government agencies involved directly or indirectly in the production of goods shall assist the interested local government units in protecting their traditional and contemporary arts and crafts, making them viable for current and future markets, with a view to encouraging and promoting the unique heritage and identities of said communities.

The Provincial Government of Nueva Ecija through the Provincial Tourism Office shall submit an annual inventory of these documentations to the Commission, which will be included in the Philippine Registry of Cultural Property, as established in Section 14 of this Act.

SECTION 15. HERITAGE AGREEMENTS. - The Provincial Government of Nueva Ecija in collaboration with the National Commission for Culture and the Arts and upon advice of the concerned national and local cultural agencies and organizations, 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:

- (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 16. LOCAL INVENTORY OF INTANGIBLE CULTURAL HERITAGE. - The Provincial Government of Nueva Ecija in cooperation with appropriate cultural agency shall closely collaborate with the UNESCO National Commission of the Philippines in safeguarding intangible cultural heritage in the Province.

SECTION 17. 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 18. INDIGENOUS PROPERTIES. - The Provincial Government of Nueva Ecija, 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 19. 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.

SECTION 20. EXPORT OF CULTURAL PROPERTY. - Whoever desires to export cultural property registered in the Philippine Registry of Cultural Property or in the Nueva Ecija Registry of Cultural Property shall adhere to the following requirements:

- (a) Authorization from the National Commission for Culture and the Arts through the Provincial Government of Nueva Ecija and other 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 Nueva Ecija 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 21. REPATRIATION CLAIMS AND AGREEMENTS. - Should the cultural property registered in the Philippine Registry of Cultural Property found within the Province be illicitly exported from the country, the Provincial Government of Nueva Ecija 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.

SECTION 22. ISSUANCE OF CEASE AND DESIST ORDER. - When the physical integrity of the national cultural treasures or important cultural properties within the Province are found to be in danger of destruction or significant alteration from its original state, the Provincial Government of Nueva Ecija with the Nueva Ecija Council for History, Culture and the Arts 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 23. 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 Provincial Government of Nueva Ecija with the Nueva Ecija Council for History, Culture and the Arts 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 24. VISITORIAL POWERS. - The Provincial Government of Nueva Ecija with the Nueva Ecija Council for History, Culture and the Arts may inspect national cultural treasures, important cultural properties, and national historical landmarks, sites or monuments within the Province 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 25. RECOVERY OF CULTURAL PROPERTIES UNDER CUSTODY OF FOREIGN NATIONALS. - The Provincial Government of Nueva Ecija

shall coordinate with the National Commission for Culture and the Arts in order to recover or retrieve cultural properties which are under the custody of foreign nationals or entities and to bring these properties back to Philippine custody.

SECTION 26. 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 Provincial Government of Nueva Ecija or interested City/ Municipality 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 Provincial Government of Nueva Ecija or interested City/ Municipality 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.

SECTION 27. RESPONSIBILITIES OF CULTURAL AGENCIES FOR DESIGNATION OF CULTURAL PROPERTY. – For the guidance and coordination of the Provincial Government of Nueva Ecija, the Nueva Ecija Council for History, Culture and the Arts and 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 artefacts’;

- (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.

SECTION 28. CULTURAL HERITAGE EDUCATION PROGRAM. – Within one (1) year from the effectivity of this Ordinance, the Provincial Government of Nueva Ecija, in cooperation with the Nueva Ecija Council for History, Culture and the Arts and the 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 Province, and the visitation, public accessibility and information dissemination on designated local cultural properties. The Philippine Registry of Cultural Property and Nueva Ecija Registry of Cultural Property shall likewise be incorporated into the formal, alternative and informal education.

SECTION 29. PUBLIC ACCESSIBILITY. – Access to national and local historical landmarks, monuments and sites, whether designated as national or local 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.

SECTION 30. 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 provision 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 the Nueva Ecija 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 31. 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 the Provincial Government or interested City/ Municipal Government, as the case may be: 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.

SECTION 32. INCORPORATION OF CULTURAL PROPERTY PROGRAMS IN PROVINCIAL ANNUAL BUDGET. – There shall be incorporated in every annual budget of the Provincial Government fund for the conservation and promotion of cultural property or heritage in its environmental, educational and cultural programs, projects and activities.

SECTION 33. NUEVA ECIJA COUNCIL FOR HISTORY, CULTURE AND THE ARTS –The Provincial Government of Nueva Ecija and the Nueva Ecija Council for History, Culture and the Arts (as created by Provincial Ordinance No. 04-S-2018) shall work in unison to ensure the effectivity and execution of the provisions of this Ordinance.

SECTION 34. SEPARABILITY CLAUSE.– If any provision of this Ordinance is held in invalid or unconstitutional, any other provision not affected shall continue to be valid and effective.

SECTION 35. 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 36. EFFECTIVITY CLAUSE. – This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation within the Province.

APPROVED, May 8, 2020.

RAFAEL ANDREW R. VILLANUEVA

NAPOLEON P. INTERIOR, JR.

Board Member


EDUARDO JOSE B. JOSON, VII
Board Member

Board Member


JO MARIO ANGELO E. MATIAS
Board Member


TERESITA A. PATIAO
Board Member


ROSELLER T. DE GUZMAN
Board Member


ERIC DANIEL F. SALAZAR
Board Member


ESMERALDO B. ABALOS
Board Member

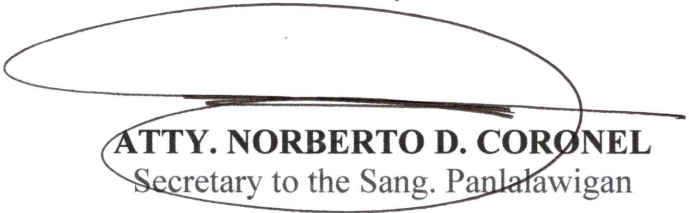

JOSEPH R. ORTIZ
Board Member


BELINDA E. PALILIO
Board Member

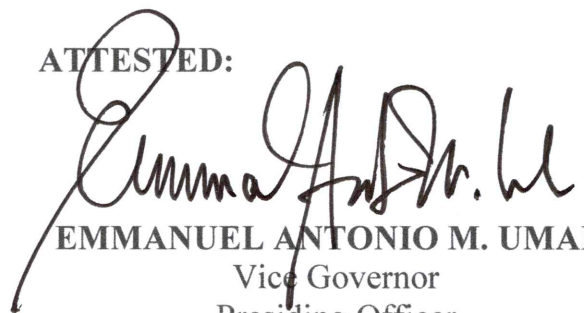

ARIEL L. MATIAS
Board Member


MARY SWEET LIBERTY N. CRUZ
Board Member

I HEREBY certify to the correctness of the foregoing ordinance.


ATTY. NORBERTO D. CORONEL
Secretary to the Sang. Panlalawigan

ATTESTED:


EMMANUEL ANTONIO M. UMALI
Vice Governor
Presiding Officer

Approved:


AURELIO M. UMALI
Governor

Date