



PAMBANSANG KOMISYON PARA SA KULTURA AT MGA SINING

16 August 2016

MR. ELSON TAN
President
Pacific Boutique Residences Corporation
1423 Dapitan corner Antonio Street
Sampaloc, Manila

Dear **Mr. Tan**,

Greetings from the National Commission for Culture and the Arts (NCCA)!

This is in response to your request for an NCCA clearance for the construction of Pacific Icon 2-The Lindor Suites located at 1423 Dapitan corner Antonio Street, Sampaloc, Manila, as required by the Housing and Land Use Regulatory Board (HLURB)¹.

Please be informed that on the basis of your Site Development Plan (SDP)², City of Manila Zoning Permit No. 2016-05-472, and the favorable opinion of the National Museum³ and the National Historical Commission of the Philippines⁴, and pursuant to this Commission's power to regulate activities inimical to the preservation/conservation of the Filipino cultural heritage⁵, this Commission hereby **grants this clearance** for the above-mentioned project and advises your strict compliance with the attached SDP and the existing policies of the City of Manila regarding building heights.


Further, in compliance with every Filipino's duty to preserve and conserve the Filipino historical and cultural heritage and resources⁶, as advised by the NM⁷, your Company is required to report to the NM if there will be recovery of archaeological materials during the excavation phase of the project. Excavation or digging of materials of probable cultural or historical value without the supervision of an archaeologist duly certified by the NM⁸ is prohibited by law⁹ and is subject to fine and/or penalty¹⁰.


This Commission shall monitor the progress of your project until its completion. Any major deviation from your SDP shall be subject to review by this Commission. For further coordination you may contact Mr. Ronald Pre of the NCCA Heritage Office thru phone number: 527-2192 local 521 or email: heritage_office@ncca.gov.ph.

We hope for your strict compliance.

With assurance of our highest esteem and warmest regards.

Very truly yours,


FELIPE M. DE LEON, JR.
Chairman

Received by: 

Anselmo D. Arañas
8/17/16



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¹ **Section 32 of RA 10066:** "Institutional Linkages of the National Cultural Agencies – xxx Furthermore, the Commission may link up with other agencies and institutions, as it may deem appropriate, as a way of dealing with conservation in a holistic manner xxxxx"

² **Annex A**

³ Excerpt from the NM letter dated July 25, 2016 to the NCCA: "xxxxx [W]e would like to inform your good office that the National Museum has no objection on the proposed infrastructure development. xxxxx"

⁴ Excerpt from the NHCP letter dated 9 August 2016 to the NCCA: "xxxxx Please be informed that the property is not listed in the Commission's registry of historic sites and structures. Upon inspection by our technical staff, we found that there is no heritage structure present on the site that will be affected by the development. xxxxx"

⁵ **Section 13 k) of RA 7356**

⁶ **Section 7 of RA 7356**

⁷ Excerpt from the NM letter dated July 25, 2016 to the NCCA: "xxxxx However, they should report to the National Museum if there is a recovery of archaeological material during the excavation phase of the project. xxxxx"

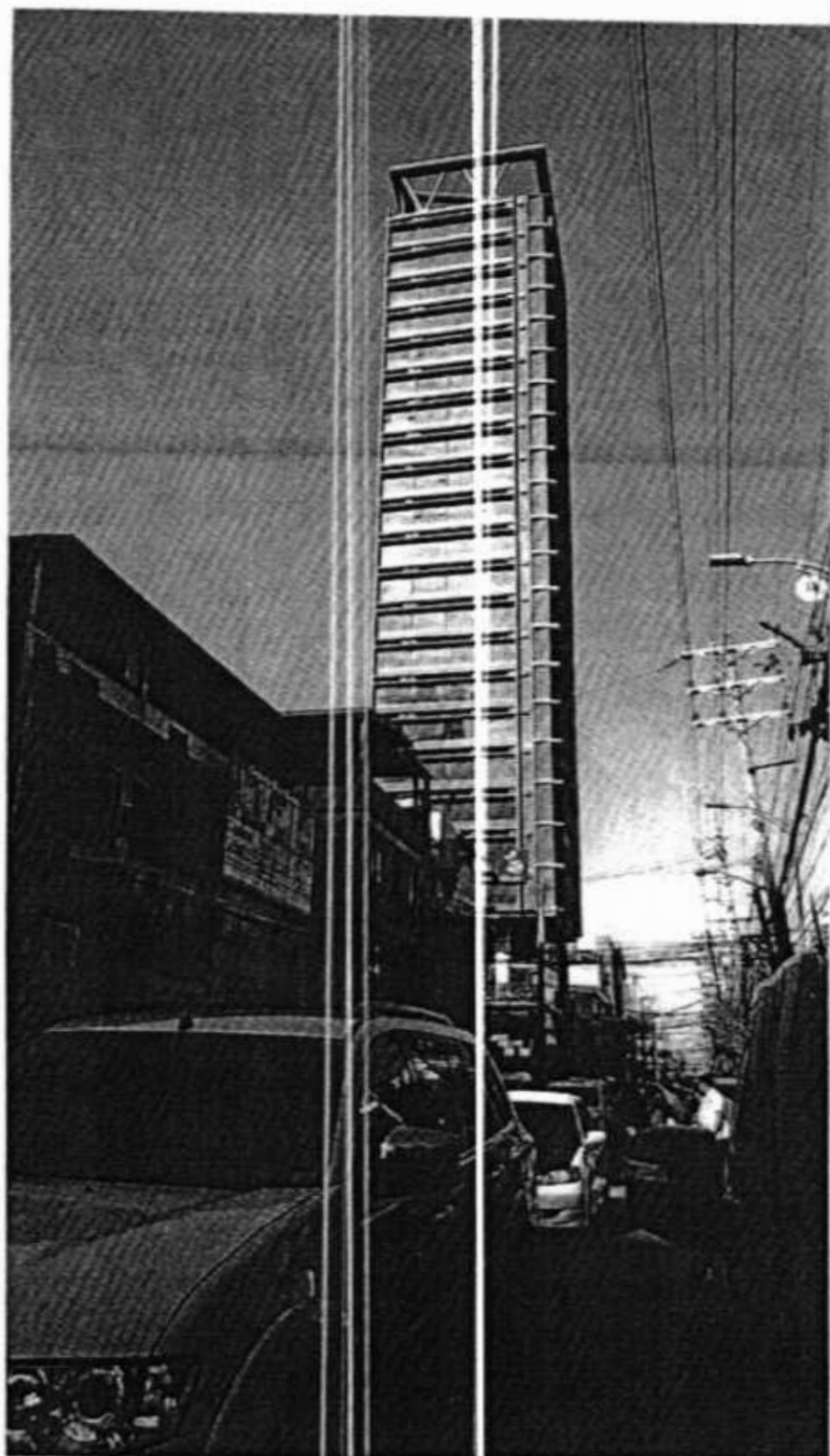
⁸ **Section 12 of RA 4846 as amended by PD 374:** "It shall be unlawful to explore, excavate, or make diggings on archaeological or historical sites for the purpose of obtaining materials of cultural historical value without the prior written authority from the Director of the National Museum. No excavation or diggings shall be permitted without the supervision of an archaeologist 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 catalogue of all the materials found thereon, and a description of the archaeological context in accordance with accepted archaeological 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. xxxxx All exploration, excavation, or diggings on government and private property for archaeological or historical purposes shall be undertaken only by the National Museum, or any institution duly authorized by the Director of the National Museum."

⁹ **Section 48 of RA 10066:** "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: xxxxx () 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. xxxxx"

¹⁰ **Section 49 of RA 10066:** "Penal Provisions. – Upon conviction, the offender shall be subject to a fine of not less than Two hundred thousand pesos (P200,000.00) or imprisonment for a term of not less than ten (10) years, or both, upon the discretion of the court. Provided, That any cultural property attempted to be concealed from registration or those intended to be encumbered or excavated in violation of this Act shall be summarily confiscated and forfeited in favor of the Commission. 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 herein. 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/she shall be placed under the custody of the Bureau of Immigration for the appropriate proceedings under this Act and shall be summarily deported after serving his/her sentence. xxxxx"



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ANNEX A

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