



PAMBANSANG KOMISYON PARA SA KULTURA AT MGA SINING

08 June 2016

ENGR. MANUEL A. TORIO, JR.
Head, Technical Services
Vista Residences
UGF Worldwide Corporate Center
Shaw Boulevard, Mandaluyong City

Dear **Engineer Torio**,

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

This is in response to your letter of April 25, 2016, through which you requested for this Commission's clearance for the construction of your project titled *Vista Recto*, a residential condominium building, on Claro M. Recto Avenue, Quiapo, Manila, as required by the Housing and Land Use Regulatory Board¹.

Please be informed that on the basis of the Site Development Plan (SDP)² you submitted and pursuant to the powers of this Commission to regulate activities inimical to the preservation/conservation of the Filipino cultural heritage³, this Commission hereby **grants this clearance** for the above-mentioned project and advises your strict compliance with the attached SDP².

This clearance is issued based on the favorable assessment of the National Museum (NM)⁴ and on the findings of the National Historical Commission of the Philippines (NHCP)⁵, in line with their respective mandates⁶ under the law.

Further, in compliance with every Filipino's duty to preserve and conserve the Filipino historical and cultural heritage and resources⁷, as advised by the NHCP and the NM, respectively, your company shall abide by the existing policies of the City of Manila regarding zoning and building heights⁸, and shall suspend excavation on your project site in the event that your excavators have struck upon any buried cultural property and to immediately report the matter to the NM⁹. Excavation or digging of materials of probable cultural and or historical value without the supervision of an archeologist duly certified by the NM¹⁰ is prohibited by law¹¹ and is subject to fine and/or penalty¹².

This Commission shall monitor the progress of your project until its completion. Any major deviation in your plan² shall be subject to review by this Commission. For future coordination, you may contact Mr. Edison N. Molanida of the NCCA Cultural Heritage Section through phone number 527-2192 local 305.

We hope for your strict compliance.

With assurance of our highest esteem and warmest regards.

CONFORME:

For Vista Residences:


ENGR. TRIXIA CAMILLE B. LEGUIS

Very truly yours,


FELIPE M. DE LEON, JR.
Chairman



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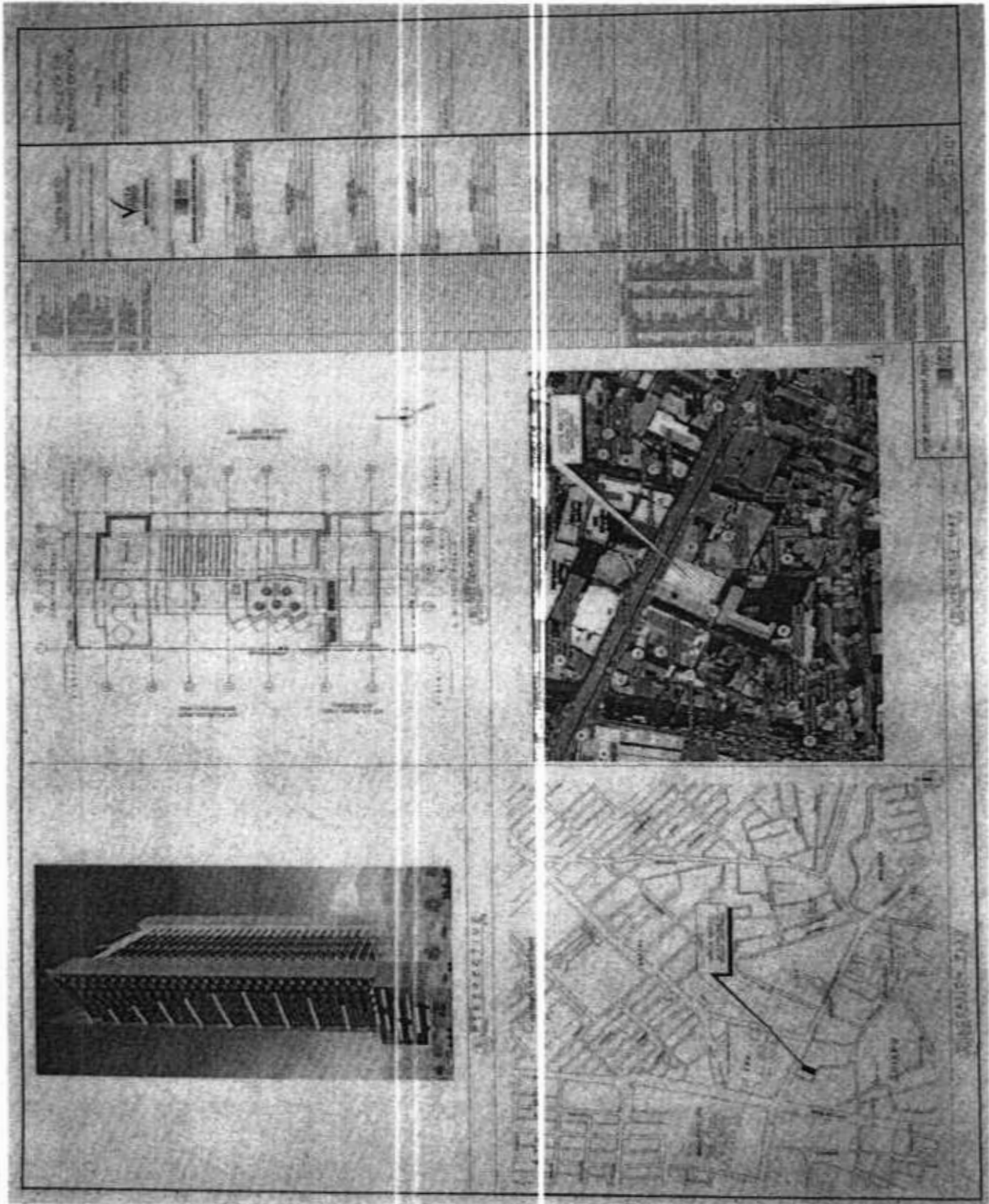
References:

- ¹ Section 2 of RA 7279: "Declaration of State Policy and Program Objectives — It shall be the policy of the State to undertake, in cooperation with the private sector, a comprehensive and continuing Urban Development and Housing Program, hereinafter referred to as the Program, which shall: x x x x x (b) Provide for the rational use and development of urban land in order to bring about the following: x x x x x (4) Reduction in urban dysfunctions, particularly those that adversely affect public health, safety and ecology; and x x x x x (c) Adopt workable policies to regulate and direct urban growth and expansion towards a diversified urban net and more balanced urban-rural interdependence;"
- ² Annex A
- ³ Section 13 I) of RA 7356
- ⁴ Paragraph 2 of the NM letter to the NCCA, dated May 8, 2016: "x x x x x In reference to your letter concerning the request of Engineer Manuel A. Torio, Jr., Technical Services Head, Vista Residences for a clearance required by the Housing and Land Use Regulatory Board (HLURB) for its application for license to sell and Certificate of Registration of its project Vista Recto located at C.M. Recto Avenue, Quiapo, Manila, we would like to inform your good office that the National Museum has no objection on the proposed infrastructure development. x x x x x"
- ⁵ Paragraph 2 of the NHCP letter to the NCCA, dated 24 May 2016: "The site is not included in the declared sites and structures of the National Historical Commission of the Philippines."
- ⁶ Section 30 of RA 10066: "Anthropological Research and Archaeological Exploration/Excavation. - (a) The National Museum, with respect to cultural/archaeological/anthropological matters, and the National Historical Institute, with respect to historical anthropological matters, shall regulate and control all anthropological research conducted by foreigners; and all archaeological excavation or exploration. Pursuant to the foregoing, the National Museum or the National Historical Institute shall deputize other agencies to protect archaeological and anthropological sites. x x x x x" and Section 7 of RA 10086: "Powers and Functions of the Board. - The Board of the NHCP shall exercise the following powers and functions: x x x x x (l) Regulate activities pertaining to the preservation, restoration and conservation of historical property or resources;"
- ⁷ Section 7 of RA 7356
- ⁸ Paragraph 2 of the NHCP Letter to the NCCA dated 24 May 2016: "x x x x x We also recommend that the developer coordinate closely with the City of Manila to conform with the zoning regulations and building height requirements of the city."
- ⁹ Paragraph 2 of the NM Letter to the NCCA, dated May 8, 2016: "x x x x x However, they should report to the National Museum if there is a recovery of archaeological materials during the excavation phase of the project pursuant to RA No. 10066."
- ¹⁰ Section 12 of RA 4846 as amended by Presidential Decree No. 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 prompt 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. 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."
- ¹¹ 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: x x x x x (c) 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; (d) Appropriates excavation finds contrary to the provisions of the New Civil Code and other pertinent laws; (e) Imports, sells, distributes, procures, acquires, or exports cultural property stolen, or otherwise lost against the will of the lawful owner; (f) Illicitly exports cultural property listed in the Philippine Registry of Cultural Property or those that may be categorized as such upon visitation or incorrectly declares the same during transit; and (g) Deals in cultural property without proper registration and license issued by the cultural agency concerned."
- ¹² 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. x x x x x"

Copy furnished: DIR. ALFREDO GIL M. TAN II, Regional Director, HLURB-NCR
ENGR. ROGELIO Y. LEGASPI, OIC-Manila City Bulwag Official
HONORABLE JEREMY R. BARNES, Director IV, NM
HONORABLE MARIA SERENA I. DIOKNO, PhD, Chair, NHCP



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ANNEX A