



PAMBANSANG KOMISYON PARA SA KULTURA AT MGA SINING

May 23, 2016

**MR. ELSON TAN**  
President  
1218 Pacific Prime Realty Corporation  
1218 Juaning Street  
Zone 046 Barangay 471  
Sampaloc, Manila 1008

Dear **Mr. Tan**,

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

This is in response to your letter of March 5, 2016, through which you requested for this Commission's clearance for the construction of your project titled Pacific Elements-Tres Hermanas, a 29-floor residential condominium building, on 1223 A.H. Lacson Avenue, Sampaloc, Manila, as required by the Housing and Land Use Regulatory Board<sup>1</sup>.

Please be informed that on the basis of the plans<sup>2</sup> you submitted and pursuant to the powers of this Commission to regulate activities inimical to the preservation/conservation of the Filipino cultural heritage<sup>3</sup>, this Commission hereby **grants** this **clearance** for the above-mentioned project and advises your strict compliance with the attached plans.

This clearance is issued based on the favorable assessment of the National Museum (NM)<sup>4</sup> and the National Historical Commission of the Philippines<sup>5</sup>, in line with their respective mandates<sup>6</sup> under the law.

Further, in compliance with every Filipino's duty to preserve and conserve the Filipino historical and cultural heritage and resources<sup>7</sup>, as advised by the NM<sup>8</sup>, your Company is required to 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 NM<sup>9</sup>. Excavation or digging of materials of probable cultural or historical value without the supervision of an archaeologist duly certified by the NM<sup>9</sup> is prohibited by law<sup>10</sup> and is subject to fine and/or penalty<sup>11</sup>.

This Commission shall monitor the progress of your project until its completion. Any major deviation in your plan 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 assurances of our highest esteem and warmest regards.

Very truly yours,

  
**FELIPE M. DE LEON, JR.**  
Chairman

<sup>1</sup> Section 32 of RA 10066: "Institutional Linkages of the National Cultural Agencies - The cultural agencies and other national government agencies, as listed below, shall consult, coordinate and work closely with the Commission in the implementation of their respective programs/projects in the context of this Act. 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: x x x (k) The Housing and Land Use Regulatory Board which shall coordinate with the local government units and the Commission on matters pertaining to the establishment and maintenance of heritage zones; x x x x x"



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<sup>2</sup> Annexes A and B

<sup>3</sup> Section 13 k) of RA 7356

<sup>4</sup> Excerpt from the NM letter dated April 8 2016 to the NCCA: "National Museum dutifully recognizes the Philippine Registry of Cultural Property and guarantees protection of the [statues] of the same, unless less the project location bearing address: 1223 Lucena Ave., Governor Forbes, Sanglec, Manila is settled to be outside the Heritage Historical districts; henceforth, this office does not pose any objection over the same."

<sup>5</sup> Excerpt from the NHCP letter dated 13 May 2016 to the NCCA: "Please be informed that the property is not listed in the NHCP registry of historic sites and structures. Upon inspection by our technical staff on 13 April 2016, we found that there is no heritage structure present on site that will be affected by the development."

<sup>6</sup> Section 30(a) 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 thereto, the National Museum or the National Historical Institute shall deputize other agencies to protect archaeological and anthropological sites. It shall be guided by the following: rules: xxxxxx", and Section 9 of RA 10066: "Powers and Functions of the Board. xxxxxx (f) Regulate activities pertaining to the preservation, restoration and conservation of historical property or resources. xxxxxx"

<sup>7</sup> Section 7 of RA 7356

<sup>8</sup> Excerpt from the NM letter dated 8 April 2016 to the NCCA: "However in strict adherence to Republic Act No. 4846 as amended by Presidential Decree No. 374 dated January 10, 1974, it is hereby required that 1218 Pacific Prime Realty Corporation to instantaneously report recoveries of archaeological materials and/or exposition of archaeological features to the National Museum."

<sup>9</sup> 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, 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 excavation 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 xxxxxx 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."

<sup>10</sup> Section 48 of RA 10066: "Prohibited Acts. - To the extent that the offense is punishable by a higher punishment under another provision of law, violations of this Act may be made by whoever intentionally: xxxxxx (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. xxxxxx"

<sup>11</sup> 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. xxxxxx"

Copy furnished: **DIR. ALFREDO GIL M. TAN II**, Regional Director, II AURB-NCR  
**HONORABLE JEREMY R. BARNS**, Director IV, National Museum  
**HONORABLE MARIA SERENA I. DIOKNO, PhD**, Counsel, NHCP