

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
National Commission for Culture and of the Arts
Intramuros, Manila

**In Re: PETITION TO LIFT THE
PRESUMPTION OF IMPORTANT
CULTURAL PROPERTY ON
COBANKIAT BUILDING IN BINONDO
MANILA**

Case No. NCCA-1-2015-3

CO BAN KIAT HARDWARE, INC.

Petitioner.

X-----X

ORDER

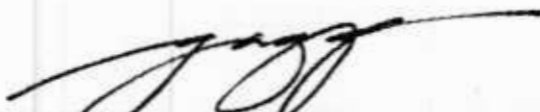
In today's hearing the undersigned Hearing Officer resolves to:

- (a) **GRANT** the motion of the cultural prosecutor to **PUBLISH** the petition of herein petitioner for the period of fifteen (15) consecutive days starting from the 20th of August ending on August 25, 2015, in the NCCA Bulletin Board and in the NCCA Website;
- (b) **INVITE** interested parties to file their opposition or support;
- (c) **ADVISE** the petitioner to discuss possible mediation, if the aforementioned is a success and upon the recommendation of the mediation officer, the proceeding shall be terminated; and
- (d) **NOTIFY** the parties that the next hearing shall be on August 25, 2015

Let copies of this Order be furnished to all Parties.

SO ORDERED

6 August 2015, Intramuros, Manila



ATTY. GEORGE AHMED G. PAGLINAWAN
Hearing Officer

Cc:

ATTY. ARISTEO S. SAN AGUSTIN, Rm 606, CNC Investment Bldg., 231 Juan Luna St., Binondo, Manila;
ATTY. MARKK PERETE, Cultural Prosecutor, NCCA
NCCA Secretariat, 633 Gen. Luna St., Intramuros Manila



PAMBANSANG KOMISYON PARA SA KULTURA AT MGA SINING
CEASE AND DESIST ORDER

14 January 2015

MR. JOHNNY O. COBANKIAT

493-497 Quintin Paredes Street in Binondo, Manila

WHEREAS, there is a current demolition of the Cobankiat Building located at 493-497 Quintin Paredes Street in Binondo, Manila.

WHEREAS, The Cobankiat Building is an Art Deco-styled building that has survived World War II, and therefore is a presumed Important Cultural Property under the Republic Act 10066, or the National Cultural Heritage Act of 2009.

WHEREAS, Section 5(f) of RA 10066 or the National Cultural Heritage Act of 2009 provides that structures dating at least 50 years old shall be considered as Important Cultural Properties.

WHEREAS, The Constitution mandates the State to conserve, develop, promote and popularize the nation's historical and cultural heritage and resources, as well as artistic creations. It further provides that all 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 18 of the Implementing Rules and Regulations of RA 10066 or the National Cultural Heritage Act of 2009 provides that the Commission shall approve only those methods and materials that strictly adhere to the accepted international standards of conservation.

WHEREAS, Section 25 of RA 10066 states that when the physical integrity of the national cultural treasures or important cultural properties are found to be in danger of destruction or significant alteration from its original state, the appropriate cultural agency (CA) shall immediately issue a Cease and Desist Order *ex parte* suspending all activities that will affect the cultural property.

THEREFORE, by virtue of the power granted by law, the National Commission for Culture and the Arts directs Johnny Cobankiat to **CEASE & DESIST** from constructing demolishing the Cobankiat Building and constructing a new edifice without the coordination and concurrence from this Commission and/or the pertinent CAs (namely the National Museum or the National Historical Commission of the Philippines).

This Order may be served and executed by any Law Enforcement Officer/s.


FELIPE M. DE LEON, JR.
Chairman

Republic of the Philippines • Office of the President

NATIONAL COMMISSION FOR CULTURE AND THE ARTS

633 General Luna Street, Intramuros 1002 Manila / Tel. 527-2192 to 98 / Fax 527-2191 & 94 / e-mail: info@ncca.gov.ph / website: www.ncca.gov.ph

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
NATIONAL COMMISSION FOR CULTURE AND THE ARTS
MANILA

IN RE: REMOVAL OR DELISTING OF
THE PRESUMPTION OF
IMPORTANT CULTURAL
PROPERTY,

CASE NO. NCCA -1-2015 -3

CO BAN KIAT HARDWARE, INC.,
Petitioner.

X ----- X



PETITION

COMES NOW the petitioner, through the undersigned counsel,
and to this Honorable Office respectfully states:

1. Petitioner Co Ban Kiat Hardware, Inc. is a corporation duly organized and existing under Philippine laws, with address at Ground Floor, CNC Investment Building, 231 Juan Luna Street, Binondo, Manila; it may be served with notices and other processes through its undersigned counsel at his address indicated below;
2. The petitioner is engaged in the hardware business and it sells hardware items on wholesale as well as on retail;
3. It is the owner of a building located at 493-497 Quintin Paredes Street, Binondo, Manila, which is more than fifty (50) years old,
4. As provided in Section 5 of R.A. 10066, otherwise known as the "National Cultural Heritage Act of 2009," structures which are more than fifty (50) years old are presumed to be an "Important Cultural Property";
5. It is likewise provided in the aforementioned Section 5 of R.A. 10066 that:

"The property owner may petition the appropriate cultural agency to remove the presumption of important cultural property which shall not be unreasonably withheld." (Emphasis supplied)

6. Since the present building has become very small for its business needs, the petitioner intends to demolish it so that it can erect thereon a larger building with more modern facilities, which is so badly needed by its business operations;

7. In connection therewith, the petitioner has priorly obtained the necessary permits and clearances for the demolition of the building; attached hereto as Annexes "A" and "B" hereof respectively are the clearance issued by the Barangay dated November 20, 2014 and the Demolition Permit dated January 28, 2015 issued by the City Hall of Manila through its Office of the Building Official;

8. As provided in Section 3 of the aforementioned R.A. 10066:

"Sec. 3. Definition of Terms. For purposes of this Act, the following terms shall be defined as follows:

x x x

(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." (Emphasis supplied)

9. It is respectfully submitted that the building of the petitioner, which is the subject of this petition, has no EXCEPTIONAL significance either in the cultural, artistic or historical sense, and, if at all it does, such significance is so minimal and is certainly not to the entire country or in the national level as to qualify, truly and actually, as an "Important Cultural Property" as defined in the aforementioned provision of law;

10. In fact, prior hereto, petitioner's undersigned counsel sent a letter dated January 21, 2015 to the National Historical Commission of the Philippines inquiring whether petitioner's building is an "Important Cultural Property" and whether it is included in the NHCP registry of historic sites; a copy of said letter is attached hereto as Annex "C" hereof;

11. In reply thereto, the NHCP sent a letter dated January 23, 2015 stating that *"The Co Ban Kiat Hardware Building does not*

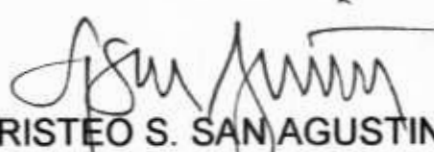
appear to be included in the NHCP registry of historic sites and structures." A copy of said letter of the NHCP dated January 23, 2015 is attached hereto as Annex "D".

PRAYER

WHEREFORE, it is respectfully prayed that an Order be issued declaring that petitioner's building located at 493-497 Quintin Paredes Street, Binondo, Manila, which is a structure more than fifty (50) years old, is not an "Important Cultural Property" as defined in Section 3 paragraph w, of R.A. 10066, otherwise known as the National Cultural Heritage Act of 2009.

The petitioner further prays for such other reliefs as may be just and equitable in the premises.

Manila, March 30, 2015



ARISTEO S. SAN AGUSTIN

Counsel for the Petitioner

Rm 606 CNC Investment Building

231 Juan Luna Street, Binondo, Manila 1006

PTR No. 3833485 12/18/14 Manila

IBP No. 978386 12/2/14 Zambasulta

Roll No. 25653

MCLE COC IV - 0006030 5/30/12

Tel. No. 2421698

VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING

I, JACKSON A. ONG, of legal age, after being duly sworn, hereby depose and state:

1. That I am the VP for Operations of Co Ban Kiat Hardware, Inc., the petitioner in the above-entitled case;
2. That I caused the preparation of the foregoing petition;
3. That I have read the same;


4. That the allegations therein are true and correct of my own knowledge or based on authentic records;

5. I hereby certify that I have not heretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of my knowledge, no such other action or claim is pending therein; if I should hereafter learn that the same or similar action or claim has been filed or is pending, I hereby undertake to report that fact to this court within five (5) days;

6. Attached hereto as Annex "E" is a board resolution authorizing the filing of this petition.


JACKSON A. ONG
Affiant

SUBSCRIBED AND SWORN to before me this MAR 30 2015 day of March, 2015, affiant exhibiting to me his LTO driver's license no. N04-85-007212 expiring on June 15, 2016.


Notary Public
Commission No. 2014-025 - 1/02/2014
Notary Public for Luzon, Until 2/31/2015
PTR No. 27 Manila Center Building
516 Quatin Paredes Street, Binondo, Manila
IBH Issued on 10/07/2013 - Pasig City
MCLE COMP. NO. IV-0016829 - 4/15/2013
At Manila

Doc. No. 234
Page No. 48
Book No. 0000
Series of 2015



REPUBLIC OF THE PHILIPPINES
CITY OF MANILA
BARANGAY 289 ZONE 27 DISTRICT III, MANILA
503 E.T. Yuchengco Street, Binondo, Manila
Tel. Number 243-0685

Annex "A"



EXECUTIVE OFFICERS:

NELSON C. TY
CHAIRMAN

COUNCIL MEMBERS:

RYAN C. TY
PAUL MARVIN T. UY
PAUL MICHAEL T. UY
LYNN L. SY
ERNESTO D. GO
ALFREDO KO SE HOC
ALBERT ALVIN O. GO

C E R T I F I C A T I O N

This is to hereby granting
BENJAMIN N. CHAVEZ (HAULING CONTRACTOR)
to undertake the DEMOLITION of the old CO
BAN KIAT BUILDING located at Quintin
Paredes Street, Binondo, Manila.

The contractor agrees and will
enforce necessary safety guidelines and
cleanliness at all times during the
duration of the project. Any violation
of the agreed conditions will
automatically revoke this permit.

This permit is being issued as a
pre-requisite in securing the renovation
permit at the Office of the Building
Official, City Hall of Manila.

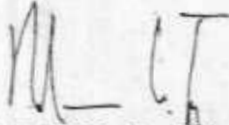
Issued on the 20th day of
November, 2014.

SK CHAIRMAN

LORNA D. LAO
TREASURER

ANNA LISA ABAY
SECRETARY

Certified by:


NELSON C. TY
Barangay Chairman

received from Amos Chavez 11/27/14

Republic of the Philippines
City of Manila
OFFICE OF THE BUILDING OFFICIAL

Application No. 2014-DM-00242
Date: 12/1/2014

Permit No. 01-2015-000016-DM
Date: January 8, 2015

Annex "B"

DEMOLITION PERMIT

JOHNNY COBANKIAT
495-497 Quintin Paredes St., cor.
Horniga St., Binondo, Manila

Sir / Madam :

Relative to your application filed with this Office, you are hereby granted a permit to demolish your Four (4) Storey building / structure located at 495-497 Quintin Paredes cor. Horniga Sts., Binondo subject to the following conditions:

1. That the demolition shall be undertaken in accordance with the Rule XI on protection and safety requirements for construction and demolition of buildings / structures of the revised Implementing Rules and Regulations of the NATIONAL BUILDING CODE (PD 1096) and shall be under the direct supervision of ENGR. JAIME E. RIOFLORIDO licensed Architect / Civil Engineer.
2. That the demolition shall be undertaken only after the building has been vacated and all public utility lines such as electric, gas, water and telephone installation has been disconnected;
3. That the demolition work/s covered by this permit shall be completed within a period of _____ days from the date hereof.

At least five (5) days before actual demolition work is started, you are required to advise this office in writing.

Strict compliance with the above condition is required subject to monitoring by this office and revocation of this permit in case of violation.

Demolition Fee: 4,000.00+ 4,000.00 SC
O.R. No. : 3804578 / 3805953
Date : 12/16/2014 / 12-12-2014
Sidewalk Fee : 300.00
Verification fee: 100.00
O.R. No. : 15.00

Contractors Tax Fee: 1,902.00
Date: 12/18/2014 O.P. 3817800
Public Liability Insurance by :
Pacific Union Insurance Co.
Policy No. 79388 Dated 12-20-2014
Amount 5,200.00
ENGR. F. FORMOSO
Bldg. Inspector

RECOMMENDING APPROVAL

RENE L. ECHAVEZ
Chief, Processing Division

APPROVED:

ENGR. ROGELIO Y. LEGASPI
Building Official

ARISTEO S. SANAGUSTIN
ATTORNEY AT LAW

Rm 606 CNC Investment Building
231 Juan Luna Street, Binondo, Manila 1006
Tel (+632) 2421698
Email aristeosanagustin@gmail.com

NHCP RECORDS SECTION
REC. BY 22 JAN 2015
DATE: _____
TIME: _____

January 21, 2015

Annex "C"

National Historical Commission of the Philippines
NHCP Building, T.M. Kalaw Street
Ermita, Manila 1000

Attention: Mr. Ludovico D. Badoy
Executive Director III

Re: Co Ban Kiat Hardware Building located at
493-497 Quintin Paredes Street, Binondo, Manila

Dear Sir:

As provided in Section 5 of R.A. 10066, otherwise known as the "National Cultural Heritage Act of 2009," which states:

*"Sec. 5. 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 declared otherwise 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 (now NHCP),

- 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." (Emphasis supplied)

we would like to request your office to determine and to inform us whether my client's building, which is the Co Ban Kiat Hardware Building located at 493-497 Quintin Paredes Street, Binondo, Manila, is an "Important Cultural Property" which, as defined in Section 3, par. w of said law is:

"Sec. 3. Definition of Terms. For purposes of this Act, the following terms shall be defined as follows:

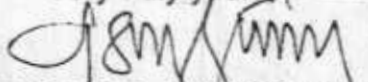
x x x

(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." (Emphasis supplied)

If so, may we be informed if said building is included in the NHCP registry of historic sites.

Your prompt reply to this request will be greatly appreciated.

Very truly yours,


ARISTEO S. SAN AGUSTIN



**NATIONAL HISTORICAL COMMISSION
OF THE PHILIPPINES**

MABINI
150
TALINO AT PANGUNUTAN

23 January 2014

Annex "D"

MR. ARISTEO S. SAN AGUSTIN

Attorney at Law
Rm. 606 CNC Investment Building
231 Juan Luna Street, Binondo
1006 Manila

Dear Mr. San Agustin,

Reference is made to your letter of 21 January 2014 inquiring if the Co Ban Kiat Hardware Building located at 493-497 Quintin Paredes Street, Binondo, Manila, is an important cultural property.

Please be advised that under the heritage law, structures 50 years old and above are presumed important cultural property and must therefore be evaluated for their historical and cultural significance. If such significance is established – whether historical, artistic or both – the structure is covered by the heritage law.

The Co Ban Kiat Hardware Building does not appear to be included in the NHCP registry of historic sites and structures. However, that by itself does not necessarily remove it from the presumption of being important cultural property.

Kindly write the National Museum (NM) and ask if the building is an important cultural property from the cultural/artistic perspective, while the National Historical Commission of the Philippines (NHCP) does the same from a historical perspective. I repeat, if either the NM or the NHCP or both find the structure an important cultural property, then you would have to present your development plan to the concerned agency or to both.

Meanwhile, I enjoin you not to undertake any steps to renovate or demolish the structure while the two agencies evaluate the building's significance.

Thank you.

Very truly yours,

LUDOVICO D. BADOY
Executive Director

Cc: Director Jeremy Bams
National Museum

Chairman Felipe de Leon, Jr.
National Commission for Culture and the Arts

Handwritten note: "Purok 1-10 for the 12/10/14"

Annex 'E'

SECRETARY'S CERTIFICATE

I, ARISTEO S. SAN AGUSTIN, of legal age, in my capacity as the Corporate Secretary of Co Ban Kiat Hardware, Inc., hereby certify that at a meeting of the Board of Directors of said corporation, in which a quorum was present, the following resolution was approved:


RESOLUTION

"RESOLVED, to file a petition in the National Commission for Culture and the Arts (NCCA) for the removal or delisting of the presumption of important cultural property as to the building owned by Co Ban Kiat Hardware, Inc. located at 493-497 Quintin Paredes Street, Binondo, Manila, and to authorize JACKSON A. ONG, the VP for Operations, to sign and execute the Verification and Certification of Non-Forum Shopping in the petition."

IN WITNESS WHEREOF, I have hereunto affixed my signature this MAR 30 2015 day of March, 2015.


ARISTEO S. SAN AGUSTIN
Corporate Secretary

SUBSCRIBED AND SWORN to before me this MAR 30 2015 day of March, 2015, affiant exhibiting to me his LTO driver's license no. N15-68-039244 expiring on Dec. 7, 2017.


PERFENCIO C. NOLASCO
Notary Public
Commission No. 2234-2001/02/2014
Notary Public for Manila - Until 12/31/2015
PTR No. 516
Rm. 327 L. ... Building
516 Qu ... Street, Binondo, Manila
IBP No. 9419238 - 10/07/2013 - Pasig City
MCLE COM. NO. IV-216829 - 4/15/2013
TEL NO. 522-13-26

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