Annex A Resolution No. 2021- 313, September 16, 2021


GUIDELINES ON THE DECLARATION/DELISTING OF CULTURAL PROPERTIES AS NATIONAL CULTURAL TREASURES OR IMPORTANT CULTURAL PROPERTIES AND REMOVAL OF PRESUMPTION AS IMPORTANT CULTURAL PROPERTY

I. PURPOSE
These Guidelines aim to establish the procedures for the declaration and delisting of cultural properties as National Cultural Treasures or Important Cultural Properties and for the removal of presumption of Important Cultural Property. This is to facilitate compliance with Sections 6, 7 and 8 of the “Cultural Properties Preservation and Protection Act” (R. A. No. 4846 as amended by P.D. No. 374), Presidential Decree 260, and Sections 4, 5, 7, 8, and 9 of Article III of the Republic Act No. 10066, otherwise known as “The National Cultural Heritage Act of 2009”

II. SCOPE AND COVERAGE
These Guidelines shall govern the declaration, delisting, and removal of presumption of important cultural properties, including both intangible and tangible, movable and immovable cultural properties, and all other works of National Artists and Manililikha ng Bayan, except for the following:

1. Works of national heroes, marked structures, and structures dating at least fifty years old which are under the National Historical Commission of the Philippines;
2. Archival materials and documents which are under the National Archives of the Philippines; and
3. Rare books, special collections, and incunabula which are under the National Library of the Philippines.

Further, these guidelines do not cover the removal of presumption on works of National Artists for Visual Arts in relation to an application for export permit which is provided by Board Resolution No. 2017-309 Guidelines on the Removal of Presumption of Important Cultural Property on the Work/s of National Artists for Visual Arts for the Issuance of a Permanent Export Permit.

III. CONSTRUCTION
These Guidelines shall be construed and applied in accordance with and in furtherance of the policies and objectives of the above-mentioned laws. In case of doubt, the same shall be construed liberally and in favor of the Constitutional directives to foster preservation, enrichment, and dynamic evolution of a Filipino culture.
Annex A Resolution No. 2021-313, September 16, 2021


IV. DEFINITION OF TERMS

As used in and for purposes of these guidelines, the following terms shall mean:

1. **Authenticity** refers to the truthful and credible manifestation of heritage values as expressed through form and design, materials and substance, use and function, traditions and techniques, location and setting, spirit and feeling, and other internal and external factors.

2. **Commission** refers to the National Commission for Culture and the Arts.

3. **Conservation Management Plan** is the main guiding document for the conservation and management of immovable cultural properties. It states what is significant about a place and consequently what policies and actions are appropriate which enable that significance to be retained in its future use and development.

4. **Cultural Property** refers 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.

5. **Heritage Impact Assessment** refers to the logical process that enables owners of immovable cultural properties declared as National Cultural Treasure or Important Cultural Property to understand the impact of change when developing a future proposal for change to their property.

6. **Important Cultural Property** refers to a cultural property having exceptional cultural, artistic, historical and/or scientific significance to the Philippines, as shall be determined by the Commission.

7. **Intangible Cultural Property** refers to the peoples’ learned processes along with the knowledge, skills and creativity that inform and are developed by them, the products and other manifestations they create and the resources, spaces and other aspects of social and natural context necessary for their sustainability.

8. **Integrity** is a measure of the wholeness and intactness of the natural and/or cultural heritage and its attributes.
Annex A Resolution No. 2021-313, September 16, 2021


9. **National Cultural Treasure** refers 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 the Commission.

10. **Nationally significant** refers 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.

11. **Panel of Experts** is a body composed of at least three competent individuals in the specialized fields of anthropology, natural sciences, history and archives, fine arts, philately and numismatics, or shrines and monuments, duly designated by the Executive Director to evaluate and recommend NCTs and ICPs for declaration or to evaluate petitions for delisting/removal of presumption subject to the approval of the Board of Commissioners (NCCA Board).

12. **Significance** is the quality of being worthy of attention and importance. It is the summation of the different values of heritage attached to a cultural property.

13. **Tangible Cultural Property** refers 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.

V. PROCEDURES

A. Petitions for Declaration as Important Cultural Property/National Cultural Treasure

1. The Commission, through the appropriate unit/division, in coordination with the different national committees, shall identify cultural properties that may be considered for declaration as National Cultural Treasure (NCT) and Important Cultural Property (ICP);

2. Owners of cultural properties, stakeholders or any interested individuals must file a petition for declaration/delisting/removal of presumption of a cultural property as ICP or NCT accompanied by the accomplished form for moveable/immovable cultural properties, and pay the corresponding amount prescribed in the schedule of fees;
3. The petition for declaration may be dismissed outright when it is insufficient in form and substance, or when the Commission has no jurisdiction over the subject matter of the petition.

4. If the petition for declaration will be filed by a local government unit, the Petition must be accompanied by a Sangguniang Bayan/Panglungsod/Panlalawigan Resolution;

5. The Commission, through the appropriate unit/division, shall verify whether the property subject of the petition is suitable for declaration as NCT or ICP.

6. The suitability of the petition for declaration shall be based on two-level assessment and evaluation of the cultural property subject of the petition for declaration, to wit:
   a. The first level is to determine if a cultural property has heritage value;
   b. The second level is to determine the level of significance through the conduct of comparative analysis of the heritage values of the cultural property for declaration relative to similar cultural properties;
      i. An analysis of the integrity to determine if its key heritage values remain intact; and
      ii. An analysis of the authenticity to determine if the heritage value is genuine or of undisputed origin.

7. If the cultural property subject of the Petition for declaration qualifies in both levels, the owner(s) or administrators thereof shall be required to provide the NCCA with pertinent data.

8. A public notice shall be posted on the Commission website and social media accounts to invite the public to file their support or opposition to the petition within a period of twenty (20) calendar days.

9. The owner, the National Historical Commission of the Philippines and stakeholders, including but not limited to the local government units, local culture and arts council, local tourism councils, non-government conservation organizations, and schools, will be invited to file their position paper within fifteen (15) days from receipt of the notice from the Commission. Extensions may be allowed, but in no case shall it exceed more than thirty (30) days;

10. The petitioner/stakeholder shall give their answer within fifteen (15) days upon receipt of any position paper. Thereafter, no further submissions shall be allowed.

11. The Panel of Experts shall convene to assess the merits of the petition for declaration and the position papers.

12. The panel shall submit its recommendation regarding the petition for declaration to the NCCA Board for approval.

13. The NCCA Board shall convene and study the recommendation and arrive at a decision for a meeting conducted for that purpose. A copy of the decision of the NCCA Board shall be furnished to the petitioner.
B. Petitions for Delisting as Important Cultural Property/National Cultural Treasure

1. Owners of cultural properties declared as ICP or NCT, stakeholders or any interested individuals may file a petition for delisting accompanied by the accomplished form for moveable/immoveable cultural properties, and pay the corresponding amount prescribed in the schedule of fees;

2. The petition for delisting may be dismissed outright when it is insufficient in form and substance, or when the Commission has no jurisdiction over the subject matter of the petition.

3. The grounds for delisting shall be the following:
   3.1 New evidence and substantial proof that the NCT and / or ICP does not merit the outstanding significance and recognition given to it;
   3.2 Misrepresentation by the owner, administrator or custodian of the NCT and or ICP;
   3.3 Inappropriate or unnecessary intervention, damage and degradation so severe as to diminish or destroy the heritage significance; and
   3.4 Evidence or recommendation from competent private and/or government agencies that such structure or site poses threats to public health and safety.

4. For ground 3.3, such incidents may subject the person/s responsible to prosecution under Sections 48 and 49 of RA 10066.

5. NCTs declared by law (Presidential Decrees and Presidential Proclamations) may be delisted only by a specific act from the Office of the President or legislature revoking or amending the declaration. The Commission shall, when requested by the Office of the President or Congress, submit its recommendations in this regard.

6. A public notice shall be posted on the Commission website and social media accounts to invite the public to file their support or opposition to the petition within a period of twenty (20) calendar days.

7. The owner, the National Historical Commission of the Philippines and stakeholders, including but not limited to the local government units, local culture and arts council, local tourism councils, non-government conservation organizations, and schools, will be invited to file their position paper within fifteen (15) days from receipt of the notice from the Commission. Extensions may be allowed, but in no case shall it exceed more than thirty (30) days;

8. The petitioner/stakeholder shall give their answer within fifteen (15) days upon receipt of any position paper. Thereafter, no further submissions shall be allowed.

9. The Panel of Experts shall convene to assess the merits of the petition for delisting.

10. The panel shall submit its recommendation regarding the delisting to the NCCA Board for approval.
Annex A Resolution No. 2021-313, September 16, 2021

11. The NCCA Board shall convene and study the recommendation and arrive at a decision for a meeting conducted for that purpose. A copy of the decision of the NCCA Board shall be furnished to the petitioner.

C. Petitions for Removal of Presumption as Important Cultural Property

1. Only owners of cultural properties presumed as ICP may file a petition for removal of presumption as ICP accompanied by the accomplished form for moveable/immovable cultural properties, and pay the corresponding amount prescribed in the schedule of fees;

2. The petition for removal of presumption as ICP may be dismissed outright when it is insufficient in form and substance, or when the Commission has no jurisdiction over the subject matter of the petition.

3. The Commission shall verify the suitability of the cultural property subject of the petition for removal of presumption as ICP based on two-level assessment and evaluation of the cultural property, to wit:
   a. The first level is to determine the heritage values of the cultural property subject of the petition;
   b. The second level is to determine the level of significance through the conduct of comparative analysis of the heritage values of the cultural property subject of the petition relative to similar cultural properties:
      i. An analysis of the integrity to determine if its key heritage values remain intact; and
      ii. An analysis of the authenticity to determine if the heritage value is genuine or of undisputed origin.

4. A public notice shall be posted on the Commission website and social media accounts to invite the public to file their support or opposition to the petition within a period of twenty (20) calendar days.

5. Stakeholders, including but not limited to the local government units, local culture and arts council, local tourism councils, non-government conservation organizations, and schools, will be invited to file their position paper within fifteen (15) days from receipt of the notice from the Commission. Extensions may be allowed, but in no case shall it exceed more than thirty (30) days;

6. The petitioner/stakeholder shall give their answer within fifteen (15) days upon receipt of any position paper. Thereafter, no further submissions shall be allowed.

7. The Panel of Experts shall convene to assess the merits of the petition for removal of presumption as ICP and the position papers.

8. The panel shall submit its recommendation regarding the petition for removal of presumption as ICP to the NCCA Board for approval.
Annex A Resolution No. 2021- 313, September 16, 2021

9. The NCCA Board shall convene and study the recommendation and arrive at a decision for a meeting conducted for that purpose. A copy of the decision of the NCCA Board shall be furnished to the petitioner.

D. Appeals

Within a period of fifteen (15) days upon receipt of the decision, the petitioner may file a written motion for reconsideration to the NCCA Board. Should his motion be denied, the petitioner shall have a period of fifteen (15) days from receipt of the denial of his motion to file an appeal with the Office of the President in accordance with Administrative Order No. 22, s. 2011.

VI. IMPLICATIONS ON CULTURAL PROPERTIES DECLARED AS NCT/ICP

1. All NCTs and ICPs shall be recorded and included in the Philippine Registry of Cultural Property.

2. All declarations shall be covered with a Memorandum of Agreement between the Commission and the owner of a privately-owned tangible cultural property declared as NCT or ICP pursuant to Section 18 of RA 10066.

3. An official heritage marker shall be placed in immovable cultural properties declared as NCT or ICP. At the same time, the Commission shall give due notice to the concerned Registry of Deeds for annotation on their land titles.

4. All cultural properties declared as NCT shall be entitled to priority government funding for protection, conservation and restoration. All cultural properties declared as ICP may also receive government funding for its protection, conservation and restoration.

5. Conservation Management Plans (CMPs) shall be developed, prepared, approved, and executed by specialists with the active involvement of stakeholders for immovable cultural properties declared as NCT or ICP. Within a period of one year after effectivity of these guidelines, the National Committee on Monuments and Sites shall formulate the guidelines and a manual on the preparation of CMPs which shall be submitted to the NCCA Board for approval.

6. Planning of changes to immovable cultural properties declared as NCT or ICP requires the preparation of a Heritage Impact Assessment (HIA). Changes refer to repair, improvement, adaptive reuse, restoration, reconstruction, alteration, and demolition. Approval of such changes by the Commission shall be subject to the submission of an HIA. Within a period of one year after effectivity of these guidelines, the National Committee on Monuments and Sites shall formulate the guidelines and a manual on the preparation of HIA which shall be submitted to the NCCA Board for approval.
Annex A Resolution No. 2021-313, September 16, 2021

7. The Commission shall be given the right of first refusal in the purchase of cultural properties declared as NCTs. Prior to the finality of the sale, the Commission may likewise match any offer made for the purchase of NCT.

VII. GUIDELINES REVIEW PROCESS

These guidelines will be reviewed every five years and at other times if any significant new information, guidelines, or organizational change warrants a review. The effectiveness of these guidelines will be assessed as required and the guidelines will be amended if necessary, to reflect the needs of the Commission. The Executive Director is authorized to promulgate rules and regulations to implement the provisions of these guidelines subject to the approval of the Chairman. Any amendment to these guidelines requires the approval of the NCCA Board.

VIII. SEPARABILITY CLAUSE

If any provision of part hereof is held invalid or unconstitutional, the remainder of these rules or the provision not otherwise affected shall remain valid and subsisting.

IX. REPEALING CLAUSE

All issuances, resolutions, instructions and rules and regulations or parts thereof which are inconsistent with these guidelines are hereby deemed repealed or modified accordingly.

X. EFFECTIVITY

These guidelines shall take effect after fifteen (15) calendar days following its full publication in the Official Gazette and in two (2) daily major newspapers of general circulation in the Philippines, whichever takes place sooner. A copy of these guidelines shall be deposited in the National Administrative Register and the University of the Philippines Law Center.