

**[NCCA IMPLEMENTING RULES AND REGULATIONS
OF Republic Act No. 10066, June 25, 2012]**

**AN ACT PROVIDING FOR THE PROTECTION AND CONSERVATION
OF THE NATIONAL CULTURAL HERITAGE, STRENGTHENING THE
NATIONAL COMMISSION FOR CULTURE AND THE ARTS (NCAA)
AND ITS AFFILIATED CULTURAL AGENCIES, AND FOR OTHER
PURPOSES**

**Rule I
TITLE, PURPOSE AND
CONSTRUCTION**

SECTION 1. Short Title. - These rules shall be known as the "Implementing Rules and Regulations of Republic Act No. 10066 otherwise known as the National Cultural Heritage Act of 2009"

Sec. 2. Purpose. - These Rules are promulgated to prescribe the procedures and guidelines for the implementation of RA No. 10066 in order to facilitate compliance therewith and to achieve the objectives thereof.

Sec. 3. Construction. - These Rules shall be construed and applied in accordance with, and in furtherance of the policies and objectives of the law. In case of conflict or ambiguity, which may arise in the implementation of these Rules, the National Commission for Culture and the Arts shall issue the necessary clarification. 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.

**Rule II
DECLARATION OF POLICIES
AND OBJECTIVES**

Sec. 4. Declaration of Policies.—In line with the Constitution, the following policies shall guide these rules:

Section 4.1. The State shall foster the preservation, enrichment, and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression (Sec. 14, Art. XIV Constitution)

Section 4.2. Arts and letters shall enjoy the patronage of the State. The State shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations. (Sec. 15, supra)

Section 4.3. 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. (Sec. 16, supra)

Section 4.4. The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies, (sec. 17, supra)

Sec 5. Objectives.—In pursuit of cultural preservation as a strategy for maintaining Filipino identity, these rules shall pursue the following objectives:

Section 5.1. Protect, preserve, conserve and promote the nation's cultural heritage, its property and histories, and safeguard the ethnicity of local communities;

Section 5.2. Establish and strengthen cultural institutions; and,

Section 5.3. Protect cultural workers and ensure their professional development and well-being.

The State shall likewise endeavor to create a balanced atmosphere where the historic past co-exists in harmony with modern society. It shall approach the problem of conservation in an integrated and holistic manner, cutting across all relevant disciplines and technologies. The State shall further administer the heritage resources in a spirit of stewardship for the inspiration and benefit of the present and future generations.

Rule III DEFINITION OF TERMS

Sec 6. Definition of Terms.—for purposes of this Act, the following terms shall be defined as follows:

- (a) **"Adaptive Re-use"** shall refer to the utilization of buildings, other built structures and sites of value for purposes other than that for which they were intended originally, in order to conserve the site, their engineering integrity and authenticity of design.
- (b) **"Anthropological Area"** shall refer to any place where studies of specific ethno-linguistic groups are undertaken, the properties of which are of value to cultural heritage.
- (c) **"Antique"** shall refer to a cultural property found locally which is one hundred (100) years in age, more or less, the production of which has ceased.
- (d) **"Archeological Area"** shall refer to any place whether above or underground, underwater or at sea level, containing fossils, artifacts and other cultural, geological, botanical, zoological materials which depict and document culturally relevant paleontological, prehistoric and/or historic events.
- (e) **"Archive"** or **"archives"** shall refer to public and private records in any format which have been selected for permanent preservation because of their evidential, historical information value; otherwise known as archival materials collections or archival holdings; the

place (building/room/ storage area) where archival materials are kept and preserved; and an organization or agency or part thereof whose main responsibility is to appraise, arrange, describe, conserve, promote and make archival materials available for reference and research, also known as archival agency.

- (f) **"Built heritage"** shall refer to architectural and engineering structures, such as but not limited to bridges, government buildings, ancestral houses, places of worship, traditional dwellings, military installations, train stations, lighthouses, small ports, city and streetscapes, educational technological and industrial complexes, and their settings, and landscapes with notable historical and cultural significance.
- (g) **"Collector"** shall refer to any person who or institution that acquires cultural property for purposes other than sale.
- (h) **"Commission"** shall refer to the National Commission for Culture and the Arts (NCCA).
- (i) **"Conservation"** shall refer to all the processes and measures of maintaining the cultural significance of a cultural property, including but not limited to, preservation, restoration, reconstruction, protection, adaptative re-use or any combination thereof.
- (j) **"Cultural agencies"** shall refer to any of the following national government agencies with their specific areas of responsibility: National Museum (cultural property), the National Library (books); National Historical Commission of the Philippines (Philippine history), the National Archives of the Philippines (documents), the Cultural Center of the Philippines (culture and the arts) and Komisyon ng Wikang Filipino (language).
- (k) **"Cultural Education"** shall refer to the teaching and learning of cultural concepts and processes.
- (l) **"Cultural Heritage"** shall refer to the totality of cultural property preserved and developed through time and passed on to posterity.
- (m) **"Cultural Heritage worker"** shall refer to an individual undertaking cultural heritage work.
- (n) **"Cultural Institution"** shall refer to entities primarily engaged in cultural work.
- (o) **"Cultural Property"** shall refer to all products of human creativity by which a people and a nation reveal their identity, including architecture and sites or human activity [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.

- (p) **"Dealers"** shall refer to natural and juridical persons who acquire cultural property for the purpose of engaging in the acquisition and disposition of the same.
- (q) **"Heritage Zone"** shall refer to historical, anthropological, archeological, artistic, geographical areas, center district, and settings that are culturally significant to the country, as declared by the National Museum and/or the National Historical Commission of the Philippines.
- (r) **"History"** shall refer to a written record of past events relating to Philippine history.
- (s) **"Historical Landmarks"** shall refer to sites or structures that are associated with events or achievements significant to Philippine history as declared by the National Historical Commission of the Philippines.
- (t) **"Historical Monuments"** shall refer to structures that honor illustrious persons or commemorate events of historical value as declared by the National Historical Commission of the Philippines.
- (u) **"Historical Shrines"** shall refer to historical sites or structures hallowed and revered for their history or association as declared by the National Historical Commission of the Philippines.
- (v) **"Historical Street Name"** shall refer to a street name which has been in existence for at least fifty (50) years and over time has been considered historic.
- (w) **"Important Cultural Property"** (ICP) shall refer to a cultural property having exceptional cultural, artistic, and historical significance to the Philippines as shall be determined by the National Museum, the National Historical Commission of the Philippines, the National Library of the Philippines and/or the National Archives of the Philippines.
- (x) **"Incunabula"** printed works produced by the native press when the art of printing in a particular country or locality is still in infancy. In the Philippines, historians and bibliographers often refers to the years 1593 to 1640 our incunabula period.
- (y) **"Intangible Cultural Heritage"** shall refer to the practices, representations, expressions, knowledge, skills, as well as instruments, objects and artifacts associated therewith, that communities, groups and individuals recognize as part of their cultural heritage, such as: (1) oral traditions, usages, customs, languages and other expressions; (2) performing arts; (3) social practices, religious rites, rituals, culinary traditions and festive events; (4) knowledge and practices concerning nature and the universe, worship and (5) traditional craftsmanship.

- (z) **"Intangible cultural property"** shall refer to the peoples' learned processes along with knowledge, skills and creativity that inform and are developed by them, the products and other manifestations that they create and the resources, spaces and other aspects of social and natural Context necessary for their sustainability.
- (aa) **"Language"** refers to the codes use and symbols used by a particular speech community in both written and spoken form to facilitate the conduct of any discourse that contributes to the smooth functioning of society.
- (bb) **"Library"** shall refer to an institution where the collection of books, manuscripts, computerized information and other materials are organized to provide physical, bibliographic, and/or intellectual access to the public, with a librarian that is trained to provide services and programs related to the information needs of its clientele.
- (cc) **"Manuscripts"** works prepared by hand including handwritten or typescript drafts of the publication papers or works not otherwise in multiple copies.
- (dd) **"Museum"** shall refer to a permanent institution that researches, acquires, conserves, communicates and exhibits the material evidence of humans and their environment for purposes of education or leisure.
- (ee) **"National Cultural Treasure"** shall refer 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 officially declared as such by the pertinent cultural agency.
- (ff) **"Nationally significant"** shall refer 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.
- (gg) **"Natural Property of Cultural Significance"** shall refer to areas possessing outstanding ecosystems with flora and fauna with national scientific importance under the National Integrated Protected Areas System.
- (hh) **"NCCA Portal Cultural Databank"** refers to the specific domain in the Commission's intranet for cultural information that is accessed only internally with control and confidentiality. It includes the Philippine Registry of Cultural Property (PRECUP).
- (ii) **"Pre-history"** refers to the period of human existence and activities before the introduction of the forms of writing.