

## CULTURAL PROPERTY PROTECTION MEASURES AND CHANCE FIND PROCEDURES

### A. WB Policy on Management of Cultural Property (OP 4.11, July 2006)

Cultural resources are important as sources of valuable historical and scientific information, as assets for economic and social development, and as integral parts of a people's cultural identity and practices. The loss of such resources is irreversible, but fortunately, it is often avoidable. The objective of OP/BP 4.11 on Physical Cultural Resources is to avoid, or mitigate, adverse impacts on cultural resources from development projects that the World Bank finances.

### B. National Policy on Cultural Heritage - Republic Act No. 10066 (March 2010)

An Act Providing for the Protection and Conservation of the National Cultural Heritage, Strengthening the National Commission for Culture and the Arts (NCCA) and its affiliated cultural agencies and other purposes.

Pertinent Provisions of R.A. 10066:

- **Article V, Section 15. Conservation of Cultural Property** - All intervention works and measures on conservation of national cultural treasures, important cultural property, as well as national historical landmarks, sites or monuments and structures previously marked by the National Museum and the National Historical Institute before the implementation of this Act, shall be undertaken through the appropriate cultural agency which shall supervise the same. The appropriate cultural agency shall approve only those methods and materials that strictly adhere to the accepted international standards of conservation
- **Article XIII, Section 48. 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:
  - (a) Destroys, demolishes, mutilates or damages any world heritage site, national cultural treasures, important cultural property and archaeological and anthropological sites;
  - (b) Modifies, alters, or destroys the original features of or undertakes construction or real estate development in any national shrine, monument, landmark and other historic edifices and structures, declared, classified, and marked by the National Historical Institute as such, without the prior written permission from the Commission. This includes the designated security or buffer zone, extending five (5) meters from the visible perimeter of the monument or site;
  - (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.
- **Article XIII, Section 49. 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:

### **C. Definition**

Cultural property include monuments, structures, works of art, or sites of significance points of view, and are defined as sites and structures having archaeological, paleontological, historical, architectural, or religious significance, and natural sites with cultural values. This includes cemeteries, graveyards and graves.

### **D. IPAC Guiding Principle on Protection of Cultural Property**

IPAC will only pose limited risks of damaging cultural property since subprojects will largely consist of small investments in community infrastructure and income generating activities and minor, rural agricultural support civil works.

### **E. Chance Find Procedures**

1. Chance find procedures will be used as follows:
  - a. Stop the construction activities in the area of the chance find.
  - b. Delineate the discovered site or area.
  - c. Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard shall be present until the responsible local authorities take over. The National Historical Institute shall be responsible for significant movable and immovable cultural property that pertains to Philippine history, heroes and the conservation of historical artifacts and the National Museum shall be responsible for significant movable and immovable cultural and natural property pertaining to collections of fine arts, archaeology, anthropology, botany, geology, zoology and astronomy, including its conservation aspect. the Philippine National Museum Cultural Properties Division take over. The contact person is Mr. Oscar G. Desembrana, Museum Researcher II, Cultural Properties Division (CPD) at telephone number 527-1216, or via email at [culturalprop@nationalmuseum.gov.ph](mailto:culturalprop@nationalmuseum.gov.ph).
  - d. Notify the supervisory Engineer who in turn will notify the responsible local authorities and the Philippine National Museum Cultural Properties Division immediately (less than 24 hours).
  - e. Contact the responsible local authorities and the Philippine National Museum Cultural Properties Division who would be in charge of protecting and preserving the site before deciding on the proper procedures to be carried out. This would require a preliminary evaluation of the findings to be

performed by the archaeologists of the Philippine National Museum Cultural Properties Division (within 72 hours). The significance and importance of the findings should be assessed according to the various criteria relevant to cultural heritage, including the aesthetic, historic, scientific or research, social and economic values.

- f. Ensure that decisions on how to handle the finding be taken by the responsible authorities and the Philippine National Museum Cultural Properties Division. This could include changes in the layout (such as when the finding is an irremovable remain of cultural or archaeological importance) conservation, preservation, restoration and salvage.
  - g. Implementation for the authority decision concerning the management of the finding shall be communicated in writing by the Philippine National Museum Cultural Properties Division; and
  - h. Construction work will resume only after authorization is given by the responsible local authorities and the Philippine National Museum Cultural Properties Division concerning the safeguard of the heritage.
2. These procedures must be referred to as standard provisions in construction contracts, Safeguards Procedures for Inclusion in the Technical Specifications for Contracts. During project supervision, the Site Engineer shall monitor the above regulations relating to the treatment of any chance find encountered are observed.
  3. Relevant findings will be recorded in the IPAC Construction Monitoring Report and the World Bank Implementation Supervision Reports (ISRs), and Implementation Completion Reports (ICRs) will assess the overall effectiveness of the project's cultural property mitigation, management, and activities, as appropriate.