

PROVINCIAL ORDINANCE NO. 2008-002

ENACTING THE BOHOL ARTS AND CULTURAL HERITAGE CODE.

Introduced by the **HON. AMALIA R. TIROL**
(Chairperson, **SP Committee on Culture and the Arts**)
(Enacted by Mass Sponsorship: **Hon. Ester Corazon J. Galbreath,**
Hon. Alfonso R. Damalerio II, Hon. Vice Governor Julius Caesar F. Herrera,
Hon. Cesar Tomas M. Lopez, M.D., Hon. Bienvenido C. Molina, Jr., M.D.,
Hon. Josephine Socorro C. Jumamoy, Hon. Jose E. Veloso,
Hon. Ma. Fe Camacho-Lejos, Hon. Josil E. Trabajo,
Hon. Aster Apalisok-Piollo, Hon. Brigido Z. Imboy,
Hon. Concepcion O. Lim and Hon. Jane Censoria R. Cajés)

EXPLANATORY NOTE

The cultural heritage of Bohol is undeniably one of our most important assets and a potent unifying element as a community striving towards sustainable development through eco-cultural tourism and agro-industrial productivity. It is a priceless wealth, an empowering citadel of unity and identity.

As a people, it is culture that binds Boholanos despite the existence of perceptible diversities. After all, it is recognizable that diversities can be considered as avenues for more meaningful unification.

It is, therefore, the primordial duty of the people and the present generation to restore, develop and preserve our province's cultural properties and attributes, if we are to sustain and maintain the fullest meaning of our nationhood. Such is the primary purpose of this Code.

Furthermore, this Code seeks to strengthen cultural institutions and regulate even the transfer of cultural properties by requiring appropriate registration. It also intends to ameliorate the working conditions of cultural workers, including the expansion of as well as equalization of access to economic opportunities to enable them to participate actively and meaningfully in the achievement of national goals.

Local and international support linkages are deemed necessary and are hereby established by the announcement of our adherence to both local and international conventions upholding cultural heritage. We also acknowledge our sources of the herein provisions culled from House Bill 430 and related measures which we seek to apply to our local conditions.

And of course, we could not overemphasize the crucial role and pivotal contribution of the multi-sectoral body, Bohol Arts and Cultural Heritage (BACH) Council as well as the Center for Culture and Arts Development (CCAD) under the Office of the Governor.

Ours is the most nationalistic intention to reach out and serve our people in realizing the meaning of their existence.

For all the above reasons and purposes, approval of this measure is earnestly sought.

AMALIA R. TIROL

Be it enacted by the Sangguniang Panlalawigan of Bohol in session duly assembled:

CHAPTER I. TITLE, DECLARATION OF POLICY, DEFINITION OF TERMS.

SECTION 1. Title – This Ordinance shall be known as the Bohol Arts and Cultural Heritage Code, or for brevity, the BACH Code.

SECTION 2. Declaration of Policy – It is hereby declared to be the policy of the Province of Bohol:

a.) to protect and preserve the province's cultural heritage, its properties and histories in order to conserve the ethnicity of local communities and the nation as a whole;

b.) to develop the arts and enhance the skills of artists and cultural workers and empower them by helping to ameliorate their working conditions, including the expansion as well as equalization of access to economic opportunities through creative industries and other such means to enable them to participate actively and meaningfully in the achievement of sustainable development;

c.) to establish and strengthen cultural institutions;

d.) to foster the threefold synergy of the three major sectors of the Boholano community, namely, the government, civil society (including religious, educational, cultural, and other non-government organizations), and the business sector, towards a holistic approach to culture and development;

e.) to uphold and protect the copyright and intellectual property rights of local performers, artists and indigenous communities; and

f.) to adhere to both national and international conventions upholding cultural heritage, the arts, and even sustainable tourism and the environment.

SECTION 3. Definition of Terms – For purposes of and as used in this Code, the following terms shall be taken and understood in the sense indicated hereunder:

1. "Adaptive Re-use" refers to the use of a building of cultural value for a purpose different from that for which it was intended originally in order to conserve the site especially its architectural integrity;

2. "Anthropological Area" means any place where studies of specific ethno-linguistic groups are being, or going to be undertaken or shall be undertaken, the properties of which are of value to Boholano cultural heritage;

3. "Antique" is a cultural property that is at least 50 years old;

4. "Archaeological Area" refers to any place, whether above ground or underground, underwater or at sea level, containing fossils, artifacts and other cultural, geological, botanical, zoological materials which depicts and documents culturally relevant paleontological, prehistoric and/or historic events;

5. "Archives" refers to public and private records which are no longer of current use to an organization or agency but have been selected for permanent preservation because of their evidential, historical or informational 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, also known as archival agency;

6. "Center" refers to the Center for Culture and Arts Development;

7. "Commission" refers to the Provincial Heritage Assessment and Designation Commission;

8. "Local Commission" refers to the City/Municipal Heritage Assessment and Designation Commission;

9. "Conservation" is the management of a cultural property towards maintaining its significance to cultural heritage;

10. "Council" refers to the Bohol Arts and Cultural Heritage Council;

11. "Local Council" refers to the City or Municipal Arts and Cultural Heritage Council;

12. "Creative Industries" are those industries which have their origin in individual creativity, skill and talent and which have a potential for wealth and job creation through the generation and exploitation of intellectual property.

Creative Industries include:

- a. Advertising
- b. Broadcast network talent
- c. Design (architectural design, communication design and designer fashion)
- d. Editorial commentary journalism
- e. Film and video industry
- f. Fine art illustration
- g. Game development
- h. Handicraft (including antique restoration market)
- i. Performing arts
- j. Music industry
- k. Publishing
- l. Software development and computer services

13. "Cultural Agencies" refers to the Bohol Arts and Cultural Heritage Council (BACH), Center for Culture and the Arts Development (CCAD), City/Municipal Arts and Cultural Heritage Council (C/MACH), Provincial Library, National Museum (Bohol Branch), Department of Education (Bohol Offices), and the like;

14. "Cultural Education" is a sustained program, in and out of the classroom, designed to enable the public to become familiar with and understand Boholano culture, develop respect and affection for the same, and participate in the conservation and development of cultural properties;

15. "Cultural Heritage" is the totality of both tangible and intangible cultural heritage preserved and developed through time and passed on to posterity.

a.) Tangible Cultural Heritage – includes all resources that have some physical embodiment of cultural values such as historic towns, buildings, archaeological sites, cultural landscapes, and objects.

b.) Intangible Cultural Heritage – Intangible Cultural Heritage means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artifacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.

Intangible Cultural Heritage is manifested through the following:

- i. oral traditions, customs, and expressions, including language as a vehicle of the intangible cultural heritage;
- ii. performing arts;
- iii. social practices, rituals and festive events;
- iv. knowledge and practices concerning nature and the universe;
- v. traditional craftsmanship; and
- vi. others as may be identified.

The depository of this heritage is the human mind, the human body being the main instrument for its enactment, or – literally – embodiment. The knowledge and skills are often shared within a community, and manifestations of ICH often are performed collectively;

16. "Cultural Heritage Zone" refers to historical, anthropological/archaeological, artistic, geographical areas and settings which are culturally significant to the province, the context of which should be preserved;

17. "Cultural Institution" refers to cultural agencies and all other entities engaged in cultural work;

18. "Cultural Worker" is an individual undertaking cultural heritage or artistic work;

19. "Cultural Property" refers to all forms of human creativity by which a people and a nation reveal their identity, including such natural history specimens, ecofacts and sites as are of cultural significance, which may be owned publicly or privately, and shall be either tangible or intangible.

a.) "Tangible Cultural Property" is that which may be either movable or immovable, antique or newer but of rarity, with archival, historical, anthropological and archaeological value, and natural history museum specimen with significant value, exceptional or the traditional rendition threatened by extinction, whether or not of Boholano origin but held legally in the province of Bohol; and includes but is not limited to the following:

- a-1) inscriptions, paleographs, paleoglyphs;
- a-2) mummies and funerary remains and conveyances;
- a-3) sacred and ritual objects;
- a-4) heraldic, philatelic and numismatic items;
- a-5) weaponry and other materials pertaining to the military;
- a-6) books, singly or in collection, and libraries;
- a-7) manuscripts, documents, ethnic literature, lexicographic works, and archival materials, including audio-visual documentation;
- a-8) works of plastic art, architectural works and applied arts, in whole or in part, whether made by hand or machine, costumes, dresses, elements of monuments and sites which have been dismembered, engraving, pieces of furniture, musical instruments, original assemblages, montages, original prints, paintings, personal adornment, sculpture, toys, weaving and terra cotta;
- a-9) object of the air, railroad or water transport, wholly or in part, including derelicts, shipwrecks and sunken ships;
- a-10) object of applied science and technology, tools and equipment used during experiments contributing to significant advancement and inventions;
- a-11) memorabilia of notable persons in Boholano, Philippine or world history;
- a-12) objects that have received provincial, national or international awards;
- a-13) official reproductions of Provincial or National Cultural Treasures and important Provincial or National properties as well as documentation of Provincial or National Cultural Treasures;

a-14) buildings and groups of architectural and engineering works, including gardens, bridges, plazas, streets and their streetside hardspaces, scapes, parks and tracks of land, forts and fortifications, and historical ruins; and

a-15) historic sites and structures, including historic churches, mosques, ancestral houses,

a-16) and others of the like.

b.) "Intangible Cultural Property" signifies both expertise and achievements in the visual arts, dance, drama, music, architectural, literary arts, film, broadcast arts and other artistic pursuits, and the social and natural sciences which possess a high historical or artistic or scientific value in and for the province, including settings of natural cultural property which are indispensable for understanding the evolution of the Boholano or Philippine way of life.

20. "Cultural Treasure" is an Important Cultural Property with exceptional value to the preservation of local culture, and which may not be made in but is legally located in Bohol; and which must be officially designated in accordance with this Code;

21. "Eco-Cultural Tourism" is the kind of tourism originally conceptualized in a multisectoral planning process in the Province of Bohol between the years 1996 to 2000 to refer to tourism that is ecologically sound and culturally sensitive and appropriate as it accentuates the ecological biodiversity and cultural treasures of the province;

22. "Gallery" refers to establishments which exhibit cultural properties primarily for sale;

23. "Heritage Assessment Criteria" means the criteria prescribed in this Code for the assessment of cultural heritage and cultural properties to be recommended for declaration under Section 7 as Cultural Properties or Cultural Treasures;

24. "History" is a diachronic record of past events whether in prehistoric or historic times;

25. "Historical Monument and Site" refers to a place or setting with or without a natural or cultural structure where a significant development or event occurred, categorized as Historical Shrine, Historical Monument, and Historical Landmark;

26. "Historical Society/Trust" refers to an organization created to preserve the historical evidence of a defined geographical area and social grouping, often through management and curating of historical sites and monuments;

27. "Important Cultural Property" refers to a cultural property evaluated, designated and registered as such by a provincial, city or municipal cultural sanggunian;

28. "Local Government Units" refers to the province, cities, municipalities, and barangays;

29. "Library" refers to a collection of books, computerized information, and other materials organized to provide physical, bibliographic, and intellectual access to a target group, with a staff that is trained to provide services and programs related to the information needs of the target group;

30. "Museum" refers to a permanent institution in the service of cultural development and open to the public; and which acquires, conserves, communicate and exhibits for purposes of research study, education and enjoyment, material witnesses of the evolution of nature and humankind;

31. "Natural History Research" refers to a biological study in the area of systematics, including the collection of specimens of both flora and fauna as well as astronomy, geology and paleontology;

32. "Natural Property of Cultural Significance" refers to ecological features, such as seashores, mountains, underwater areas, and other places of scenic beauty which possess a high value from the point of view of art or visual appreciation and similar spots with historical or ritual value and others that are archaeological sites, animals and plants as well as their habitats, geologic features where peculiar natural phenomenon is seen and possessing high scientific value;

33. "Ownership" includes possession with right to dispose of cultural property;

34. "Protection" means any action or legal measure taken to prevent damage to or loss of cultural property;

35. "Registry" is the official listing of Boholano or Philippine cultural properties, together with relevant information;

36. "Reconstruction" is the replication or reproduction of a cultural property that has been totally or partially destroyed;

37. "Restoration" refers to any form of technical intervention in order to preserve the physical integrity of the original property;

38. "Safeguarding" refers to measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage;

39. "Type" refers to a specimen, selected as the representative of a class of objects consisting of many but almost identical individuals or species and used as the basis for description.

CHAPTER II. ASSESSMENT, DESIGNATION, AND REGISTRATION.

SECTION 4. The Province, upon the effectivity of this code, shall initiate and implement a comprehensive cultural heritage program that will include the following activities to be adopted and implemented in all the constituent municipalities and city in Bohol:

- a.) cultural heritage resource mapping;
- b.) cultural heritage resource databank;
- c.) cultural heritage resource interpretation program;
- d.) cultural heritage policy development;
- e.) cultural heritage capacity building programs; and
- f.) cultural heritage information, education and communication programs.

SECTION 5. Categories of Cultural Properties – The Cultural properties of the province which are either publicly or privately owned and tangible or intangible shall be categorized according to degree of importance, as follows:

- a.) Provincial Cultural Treasure
- b.) Important Provincial Cultural Property
- c.) Provincial Cultural Property
- d.) City Cultural Treasure
- e.) Important City Cultural Property

- f.) City Cultural Property
- g.) Municipal Cultural Treasure
- h.) Important Municipal Cultural Property
- i.) Municipal Cultural Property
- j.) Barangay Cultural Property

SECTION 6. Provincial Heritage Assessment and Designation Commission –

a.) Upon the effectivity of this Code, the Provincial Government of Bohol shall create a Provincial Heritage Assessment and Designation Commission composed of experts designated by the Governor per recommendation by the Council.

b.) The Commission shall be composed of six experts who shall sit for a term of three years and shall receive appropriate remuneration based on services rendered. The experts will be chosen from the following fields:

- b-1.) Built Heritage;
- b-2.) Tangible Heritage;
- b-3.) Intangible Heritage;
- b-4.) Representative from any of the National Cultural Agencies;
- b-5.) Representative from the Center; and a
- b-6.) Representative from the Council.

c.) The Commission shall prepare a heritage assessment criteria to be furnished to the local government units who, in turn, shall create their own Local Heritage Assessment and Designation Commission primarily tasked in assessing, at the local level, whether a structure, site, object or other properties have heritage significance.

d.) In preparing the heritage assessment criteria, the objectives of the Commission should be to ensure, as far as practicable, that by the application of the criteria, structures, sites, objects or properties –

- d-1) Of significance in the evolution and pattern of the province's natural or cultural history;
- d-2) Possessing rare, endangered or uncommon aspect of Bohol's natural or cultural history;
- d-3) Demonstrating the prime characteristics of a class of the province's heritage places or objects;
- d-4) Of significance for their strong association with the life or works of a notable person or persons associated with the province;
- d-5) Possessing technical, design or aesthetic qualities of significance;
- d-6) Of significance because of special association with the province's communities for historical, social, cultural or spiritual reasons; or
- d-7) Of significance for their potential to yield information which will contribute to a better understanding of the province's heritage,

are most likely to be identified.

e.) The Commission, whenever necessary, may revise the assessment criteria, either generally or limited to a particular class of structure, site, objects or properties.

f.) Cultural properties that may be recommended as Provincial Cultural Properties or Important Provincial Cultural Properties or Provincial Cultural Treasures, by the Local Commission to the Commission or upon the discretion of the Commission, shall be assessed in accordance with the heritage assessment criteria prepared by the Commission.

g.) The Commission shall create a manual on Heritage Restoration and Conservation Guidelines which should be complied with in case designated structures will be subject to refurbishment, adaptive re-use, or rehabilitation by the property owners.

h.) The Commission may be requested to lead an Impact Assessment on zones or sites where infrastructure projects are planned to be constructed.

SECTION 7. Assessment and Designation of Provincial Cultural Treasures, Important Cultural Properties, and Provincial Cultural Properties –

a.) The Commission, after a careful deliberation and study of the cultural properties, shall recommend to the Council which among the cultural properties shall be designated as Cultural Treasures or Important Cultural Properties or Provincial Cultural Properties. The Council shall, in turn, recommend to the Sangguniang Panlalawigan for the appropriate legislative designation.

Assessed cultural properties that have not been designated by legislation at the Sangguniang Panlalawigan shall be referred to the local sanggunian for possible designation at that level.

b.) The Commission shall recommend to the Council an incentive package for the private owners of designated cultural properties which shall be subject to approval by the Governor and the Sangguniang Panlalawigan. Should the private owners avail of such incentive, they shall sign a waiver in which certain conditions shall be imposed on their property so designated.

c.) Among others, the condition to be imposed on Provincial Cultural Treasures upon signing of the waiver by their private owners is that these shall not change ownership or venue without prior notification to the Council; and

c-1. Provincial Cultural Treasures shall not be taken out of the province even for reasons of inheritance except for the best interest of the province, subject to regulations issued by the Council and with the approval of the Governor and a posting of a bond of not less than 30% of the value of the property. The bond shall be waived if transmission is made by a national cultural agency pursuant to national laws.

c-2. Where there is no heir, the Provincial Cultural Treasure shall be placed under the custody of the Center.

c-3. No alteration, modification, construction or infrastructure work around or in the vicinities that might affect immovable Provincial Cultural Treasures shall be done without the written permission of the Council and the approval of the Governor.

c-4. Immovable Provincial Cultural Treasures shall not be relocated, nor shall structures be built, nor activities undertaken to detract from the property's dignity, nor shall anything be introduced that will pose structural instability.

d.) At least two (2) representative-specimens of a type of an Important Cultural Treasure shall be kept within the province at any time.

SECTION 8. Registration of Cultural Properties –

a.) Towards a more meaningful and effective protection and preservation of the province's cultural heritage, the Center shall establish and maintain a Provincial Registry of Cultural Properties. All cultural properties of whatever class or category, regardless of ownership, shall be registered with the Center upon the effectivity of this Code in accordance with the scheme of registration that the Center shall provide.

b.) Local government units shall undertake the initial evaluation and documentation of cultural properties within their respective territorial jurisdiction as well as the registration hereof in accordance with the guidelines provided for by the Center. A complete record of such activities shall be submitted to the Center.

c.) Each local government unit with assistance from any cultural agency in the locality shall establish and maintain its own registry of cultural property in accordance with the mandate of its City/Municipal Arts and Cultural Heritage Council. A record of such registries shall be furnished to the Center.

d.) The records of the registries maintained by the local government units and the Center shall be incorporated in and form an integral part of the Provincial Registry.

e.) The Provincial Registry of Cultural Properties shall contain a master list of all cultural properties to be preserved and protected by the province through the Center. The listing shall particularly describe the cultural property thus registered and shall specify the class, category, ownership and sites thereof. It shall likewise contain other relevant data and information on the registered cultural property.

f.) All government agencies and instrumentalities, government-owned or controlled corporation and their subsidiaries, including private and public educational institutions, private collectors and owners of cultural property, and any person in possession thereof shall, after inventory, assessment and designation, report their ownership or possession of such items to the proper authorities and register the same.

Government agencies and instrumentalities, government owned or controlled corporations and their subsidiaries, including public educational institutions shall register such properties, within a period of one (1) year from receipt of notice of assessment and designation. Private collectors and owners of private cultural property shall register such properties, or signify their intentions to register in writing, within a period of two (2) years. All subsequent acquisitions shall be reported to the Center within three months from date of acquisition and registered within the same period.

g.) The private collectors and owners of cultural property shall not be divested of their possession and ownership thereof even after registration of said property as herein required. They shall continue to use and enjoy such property for lawful purposes. The use of said properties in any manner contrary to law or inimical to the public interest or state policy as declared in this Code shall be subject to the pertinent penal provisions.

h.) Public offices and officials whose functions do not primarily involve culture and the arts may not acquire a collection of cultural properties with the use of public funds without the written permission of the Council or Local Council concerned, subject to registration as herein contemplated.

i.) All cultural properties in the possession of the provincial government or any of its agencies and instrumentalities upon the effectivity of this Code shall be presumed to have been acquired with the use of public funds. Accordingly, the beneficial ownership of said property shall pertain to the Province and the possession thereof shall be subject to the pertinent rules and regulations of this Code.

j.) Subject to subsections (k) and (l), information in the Provincial Heritage Register must be available for inspection by any person during regular business hours.

k.) The Council may refuse to disclose information in the Provincial Heritage Register and other information obtained in the administration of this Code if any of the following apply:

- 1.) disclosure of the information could, in the opinion of the Council, result in damage to or interfere with the conservation of a heritage site or heritage object;
- 2.) disclosure of the information would violate any agreement made by the owner and the Center;
- 3.) anthropological information that is of traditional, social, spiritual or other cultural importance to a living community:
 - (i) was obtained under conditions of confidentiality; or
 - (ii) is confidential at the request of representatives of the community whose heritage is represented by the information.

l.) The Province may require payment of a prescribed fee to inspect the information in the Provincial Heritage Register.

m.) Protection of a heritage site or heritage object is not affected by an error or omission in the Provincial Heritage Register or by a failure to register properly in the Provincial Heritage Register.

CHAPTER III. LICENSING, CONSERVATION, RESTORATION AND PROTECTION.

SECTION 9. Licensing for Dealers of Cultural Property – All persons engaged in the business of dealing with cultural properties are required to obtain a Certificate of Dealership from the Center for the issuance of a Business Permit in all constituent local government units of this province. They shall submit to the Center a quarterly inventory of items carried which shall include a history of each item in a notarized document. Failure to submit two (2) consecutive inventories shall be a ground for cancellation of the Business Permit. Business Permits may only be issued to, or renewed for, such dealers upon issuance of a Certificate of Compliance by the Center.

For this purpose, corresponding fees shall be provided for in the local revenue code. Funds generated from the issuance of certifications by the Center shall be retained for its operations.

SECTION 10. Conservation, Restoration and Reconstruction of Cultural Properties –

a.) All measures on conservation, restoration and reconstruction of Provincial Cultural Treasures, Important Provincial Cultural Properties, and Provincial Cultural Properties shall be undertaken only upon a Certification of Approval from the Center and with the supervision of the Council. The certificate of approval shall be required by local building officials upon securing a building permit, if such involves buildings or structures.

b.) The Council shall endeavor to establish working arrangements with private owners or ecclesiastical authorities, as the case maybe, in the administration of cultural properties with the primary aim of preserving the integrity of these properties.

c.) With respect to the conservation and restoration of monuments and sites, the recommendations of the Commission or pertinent national and the international conventions for the conservation and restoration of monuments and historic sites, are hereby adopted as part of this Code. Specific guidelines hereof shall be issued by the Council.

d.) The cultural agencies that provide conservation services shall make their services readily available to provide access to their expertise and services in local communities where there are priority needs. The Council shall formulate an annual development program to rationalize the development of a conservation laboratory in the province. The budgetary requirements for such programs shall be incorporated in the annual appropriations of the Center.

e.) When the presence of any immovable cultural property is confirmed to be in danger, the entities responsible shall immediately suspend all activities that will affect the site. The local government unit which has jurisdiction over the site where the immovable cultural property is situated shall promptly adopt measures to protect and safeguard the integrity of the immovable cultural property and within seven (7) days from discovery shall report the same to the Council. The suspension of the activities shall be lifted only upon the written recommendation of the Council.

**SECTION 11. Anthropological Research and Archeological Exploration/
Excavation –**

a.) No local and foreign anthropological research and archaeological excavation or exploration or any such related activities shall be conducted in the province without prior consultation with and favorable recommendation of the Council, confirmed by the Sangguniang Panlalawigan, and approved by the Governor and cleared by the National Museum.

b.) No Archaeological or Anthropological item of cultural significance, including rare traditional ethnographic items, shall leave the province without the written permission of the Governor upon evaluation and recommendation of the Council and the posting of a bond of not less than 30% of the value of the item. A written permission from the National Museum is also required.

c.) When the presence of any cultural property is accidentally discovered in the course of an archaeological excavation or exploration or anthropological research, the entities responsible thereof shall immediately suspend all activities that will affect the site and report the said discovery immediately with the local government unit which has jurisdiction over the site. The local government unit shall promptly adopt measures to protect and safeguard the integrity of the cultural properties so discovered and within seven (7) days from the discovery shall report the same to the Council, who shall in turn report to the National Museum. The suspension of the activities shall be lifted only upon the written authority of the National Museum after the systematic recovery of the archaeological materials.

d.) Any government or non-government infrastructure project or architectural site development in the Province of Bohol which will require prior environmental impact studies shall include anthropological, archaeological, historical and heritage site considerations. For this purpose, one percent of the total budget of the program/project shall be held in reserve to underwrite the cost of the study.

SECTION 12. Systematic Research in Natural History – No local and foreign Systematic Research in Natural History or any such related activities shall be conducted in the province without prior consultation with and favorable recommendation of the Council confirmed by the Sangguniang Panlalawigan and approved by the Governor. No specimen related to the research shall leave the province without the written permission of the Governor upon evaluation and recommendation of the Council and the posting of a bond of not less than 30% of the value of the item.

CHAPTER IV. CULTURAL PROPERTY INCENTIVES, ZONES, INTANGIBLE AND TANGIBLE HERITAGE.

SECTION 13. Cultural Property Incentives Program –

a.) The Local Finance Committee and the Council shall establish a Heritage Conservation Incentives Program taking into consideration the recommendations of the Commission and subject to the mandate under Section 7, supra. Such incentive may include an insurance system for provincial cultural treasures as well as ways and means by which national and international sisterhood programs can enhance the same.

b.) Any investment by private individuals or institutions certified by the Council shall be deductible from applicable provincial taxes of the individual or institution concerned if such investment is utilized for any of the following cultural programs or purposes:

- b-1) purchase of a Provincial Cultural Treasure or Important Cultural Property;
- b-2) support of scientific and artistic research, anthropological projects, explorations and archaeological excavations for the Council and its affiliated academic and research institution;
- b-3) cultural, archaeological, anthropological, historical exhibitions and performance for the Cultural agencies;
- b-4) purchase of equipment and instruments for Cultural Agencies;
- b-5) cultural education programs and scholarships for any, provincial, city or municipal public school children;
- b-6) maintenance, conservation, or restoration of a Provincial Cultural Treasure or a Cultural Heritage Zone.

c.) Local Government Units shall adopt a similar cultural property incentives program.

SECTION 14. Designation of Cultural Heritage Zones –

The Sangguniang Panlalawigan upon recommendation of the Commission through the Council, and after a public hearing, may designate Cultural Heritage Zones to protect the integrity of such geographical areas. A Cultural Heritage Zone shall be maintained in its original physical appearance. The historic fabric of the zone must be respected and, therefore, shall be maintained as such. However, it should be allowed to evolve with respect to historical precedents. The significant milestones in the development of the zone and its functions should be retained and form part of the living center.

Ownership of the properties inside the zone shall remain with the legal owner, notwithstanding their being included in the zone. Renovations, reconstructions, restorations shall be subject to the provisions on Section 7.

SECTION 15. Intangible Cultural Heritage – The Province through the Center and the Council shall ensure the safeguarding (preservation, protection, development, promotion and transmission) of Intangible Cultural Heritage. The Center shall be the primary cultural agency in the administration of Intangible Cultural Heritage having the following responsibilities:

a.) Identify, document, and archive significant and endangered Intangible Cultural Heritage;

b.) Conduct and foster scientific, technical and artistic studies, as well as research methodologies, with a view to effective safeguarding of the intangible cultural heritage, particularly the intangible cultural heritage in danger;

c.) Initiate the integration of intangible cultural heritage in formal and non-formal education programs;

d.) Conduct capability building and training activities for the appropriate management of intangible cultural heritage; and

e.) Encourage creative work and establish a system of recognition and awards to artists and cultural workers.

Within the framework of its safeguarding activities of the intangible cultural heritage, the Province shall endeavor to ensure the widest possible participation of communities, groups and, where appropriate, individuals who safeguard such heritage, and to involve them actively in its management.

SECTION 16. The Center, upon identification of the endangered Intangible Cultural Heritage, shall submit a report to the Council. The Council shall establish a program for the safeguarding of the endangered Intangible Heritage. This program shall be disseminated to the applicable cultural agencies for implementation.

SECTION 17. Intangible Cultural Heritage declared significant shall be maintained and promoted. Significant Intangible Cultural Heritage shall be duly recognized.

CHAPTER V. CREATIVE INDUSTRIES, CULTURAL WORKERS AND ARTISTS, AND CULTURAL EDUCATION.

SECTION 18. Creative Industries – The Center shall maintain a directory of creative industries and persons engaged in such industries in the province. The Cultural Agencies led by the Council shall provide trainings, workshops and such other venues that would enhance the quality of the product, skill of the workers, and creativity of the artists.

SECTION 19. The Province through its agencies shall see to the protection and professionalization of workers in creative industries. The Council shall set guidelines and create a program for its professionalization.

SECTION 20. The Province, as it deems necessary, shall give preference to Boholanos engaged in creative industries. When contracting the services of artists, the Province shall give preference to Boholano artists and Boholano artistry. The same preference, whenever applicable, shall be observed when creating, using, selling, marketing or supplying products and services for tourism in the province.

SECTION 21. Artists and Cultural Workers may submit a list of their work to the Center. The Center shall in turn create a directory from out of such listing. The Center shall maintain a Directory of Artists and Cultural Workers of the province.

SECTION 22. Pertinent existing laws, rules and regulations on the welfare of children, including the Bohol Children's Code, are hereby adopted in the employment of services of minor artists.

SECTION 23. Incentives Program For Cultural Workers and Artists – The Province through the Council and the Center shall institute scholarships, educational and training programs, and other measures to promote and protect the well-being of cultural workers and artists.

SECTION 24. Cultural Education –

a.) Information on Culture and the Arts, with emphasis on Provincial Cultural Treasures, Important Provincial Cultural Properties, and Cultural Heritage Zones shall be incorporated into the formal, non-formal and informal education programs of all public and private schools by the city and provincial offices of the Department of Education, the Commission on Higher Education (CHED), The Technical Education and Skills Development Authority (TESDA), and into the informal education programs of the local government units.

b.) Upon the effectivity of this Code, the city and provincial offices of the Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education Skills Development Authority (TESDA), in coordination with the

Council, shall develop a sustained province-wide cultural heritage educational program on the following subject matter:

1. Culture and the Arts;
2. Protection, conservation and preservation of provincial cultural properties and cultural heritage zones; and
3. Production of instructional materials in print, film and broadcast media on cultural and historical significance and Cultural Heritage Zones.

CHAPTER VI. CULTURE, TOURISM AND THE ENVIRONMENT, AND REVIEW OF CULTURAL ORDINANCES

SECTION 25. Culture, Tourism, and the Environment – The following principles shall serve as guiding principles in all plans, programs, and projects related to tourism as it impacts on culture and the environment in the province:

a.) Tourism affords the opportunity to travel and to know other cultures, and the development of tourism can help promote closer ties and peace among peoples, creating a conscience that is respectful of the diversity of culture and lifestyles;

b.) Tourism must consider its effects on the cultural heritage and traditional elements, activities and dynamics of each local community. Recognition of these local factors and support for the identity, culture and interests of the local community must at all times play a central role in the formulation of tourism strategies, particularly in local development planning;

c.) The conservation, protection and appreciation of the worth of the natural and cultural heritage afford a privileged area for meaningful cooperation among the sectors of the Boholano community. This approach implies that all those responsible must take upon themselves a true challenge, that of cultural, technological and professional innovation, and must also undertake a major effort to create and implement integrated planning and management instruments that give local culture and natural landscapes important consideration; and

d.) Environmentally and culturally vulnerable spaces, both now and in the future, shall be given special priority in the matter of technical cooperation and financial aid for sustainable eco-cultural tourism development. Similarly, special treatment should be given to zones that have been degraded by obsolete and high impact tourism models.

SECTION 26. Local ordinances pertaining to culture, the arts and heritage shall be referred to the Council for comment and review before the same shall be appropriately acted upon by the Sangguniang Panlalawigan.

CHAPTER VII. TRUST FUND, IMPLEMENTATION, VIOLATIONS AND SANCTIONS.

SECTION 27. The Cultural Heritage Trust Fund –

a.) A Cultural Heritage Trust Fund is hereby established exclusively for the conservation of Provincial Cultural Treasures, Important Provincial Cultural Properties, and Provincial Cultural Properties and for the proper safeguarding and promotion of the Intangible Cultural Heritage of the Province. Contributions to the Fund shall be the following:

- a-1. An annual appropriation from the General Fund of the Province in the amount of One Million Pesos; and
- a-2. Proceeds from the fees derived from cultural properties.

b.) Collections from any Cultural Property Tax, where applicable, shall be used exclusively for any of the following:

b-1. Restoration, reconstruction, preservation and protection of other registered cultural properties;

b-2. Local cultural education programs;

b-3. Restoration and maintenance of important Cultural and cultural clubs and associations, libraries, archives, museums, historical monuments and sites;

b-4. Organization, support and assistance to local historical and cultural clubs and associations, libraries, archives, museums, historical monuments and sites;

b-5. Training and development of Cultural Workers;

b-6. Research, Documentation, Promotion and Revitalization programs for Intangible Cultural Heritage.

c.) The Cultural Heritage Trust Fund shall be administered by the Council subject to government accounting and auditing laws, rules and regulations.

For purposes of raising funds for the maintenance and restoration of the cultural properties, the Council may sponsor fund raising activities for the promotion of culture and arts as well as the development of its cultural concerns.

SECTION 28. Implementation –

a.) The Cultural Agencies shall be primarily responsible for the implementation of the provisions of this Code. Towards this end, the Council shall formulate the Implementing Rules and Regulations in consultation with all the other cultural agencies concerned and approved by the Governor.

b.) The Sangguniang Panlalawigan, upon the recommendation of the Council and the approval of the Governor, may deputize local authorities and government officials, private museums, foundations, and law enforcement agencies and instrumentalities of the Provincial Government, including the police and the Armed Forces of the Philippines, as part of the process of the implementation of this Code for which their assistance may be needed.

SECTION 29. Violations – The following acts and omissions shall constitute violations of this Code which shall be penalized with the sanctions prescribed herein:

a.) Unjustified failure to report the ownership and possession of cultural property and to register the same as required under Section 8 hereof;

b.) Use of private cultural property for purposes contrary to law or in a manner inimical to public interest or policy as declared in this Code;

c.) Unauthorized acquisition by a public official of cultural properties with the use of public funds;

d.) Unauthorized exportation of provincial cultural treasures outside the province to the prejudice of public interest;

e.) Any alteration, modification, construction or infrastructure work around or in the vicinities affecting immovable provincial cultural treasures without the written permission of the Council;

f.) Relocation of immovable provincial cultural treasures and the building of structures or undertaking of activities that detract from the property's dignity or introduce anything that will pose structural instability;

g.) Dealing in cultural property without a certification issued by the Center;

h.) Modifying, altering, repairing, defacing or destroying the original features of any historical monument or site, or causing any damage on registered cultural property without written permit from the Council and the Governor;

i.) Unauthorized occupancy of provincial cultural treasures or important provincial cultural property or the use thereof by any private entity or government agency for resettlement purposes;

j.) Undertaking archaeological excavations to obtain materials and data of cultural value without prior consultation with and written favorable recommendation by the Council, confirmation from the Sangguniang Panlalawigan, and approval by the Governor;

k.) Undertaking anthropological research with a foreign national as the principal proponent to obtain materials and data of cultural value without prior consultation with and written favorable recommendation by the Council, confirmation from the Sangguniang Panlalawigan, and approval by the Governor;

l.) Exportation of any archaeological or anthropological item of cultural significance, including rare traditional ethnographic items, without prior consultation with and written favorable recommendation by the Council, confirmation from the Sangguniang Panlalawigan, and approval by the Governor;

m.) Unjustified failure by the local government official or officials concerned to adopt measures to protect and safeguard the integrity of cultural property including those accidentally discovered during an archaeological excavation, and to report such discovery to the Council;

n.) Violation of confidentiality of data pertaining to privately-owned cultural properties;

o.) Theft or vandalism of a Provincial Cultural Treasure or an Important Provincial Cultural Property found among the collections or sites of the cultural agency concerned or other government office or instrumentality; and

p.) Undertaking biological research by a foreign national to obtain materials of scientific value without prior consultation with and written favorable recommendation by the Council, confirmation from the Sangguniang Panlalawigan, and approval by the Governor.

SECTION 30. Penal Provisions –

a.) Any person found guilty of violating this Code shall be punished with a fine not exceeding Five Thousand Pesos (P5,000.00) or imprisonment not exceeding one year, or both fine and imprisonment at the discretion of the court. Provided, however, that if the violation is punishable under a national law, the law with the higher penalty shall apply. In addition, the objects, items or materials attempted to be concealed from registration or intended to be exported or excavated or used in violation of this Code or used for unlawful purposes shall be forfeited in favor of the cultural agency concerned. If the violation is committed by a foreign national, the penalty imposable shall include a recommendation for deportation after service of sentence, restitution of property, and payment of damages. In case a violation is committed by an organization, the head, without prejudice to the culpable persons, of the organization shall be the subject of the sanction.

b.) Any violation of this Code by a cultural worker who has access to public cultural property shall be considered an aggravating circumstance, without prejudice to further prosecution under pertinent national laws.

SECTION 31. Separability Clause – If, for any reason, any section or provision of this Code or portion thereof is declared unconstitutional or invalid, the other provisions, sections or portions thereof not affected by such declaration shall remain in force and effect.

SECTION 32. Repealing Clause – All other ordinances, resolutions, rules and regulations, executive orders, and related issuances or parts thereof which are inconsistent or in conflict with the provisions of this Code are hereby deemed repealed or modified accordingly.

SECTION 33. Effectivity – This Code shall take effect fifteen (15) days after its one-time publication in two (2) local newspapers of general circulation.

APPROVED: February 27, 2008.

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(Sgd.) ATTY. JULIUS CAESAR F. HERRERA
Vice Governor
(Presiding Officer)

ATTESTED:

(Sgd.) BONIFACIO M. QUIROG, JR.
SP Secretary

APPROVED:

(Sgd.) ATTY. ERICO B. AUMENTADO
Governor

Date Signed: 5 November 2008