



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
18th City Council

PO2012-62

67th Regular Session

ORDINANCE NO. SP- **2391**, S-2012

AN ORDINANCE CREATING THE QUEZON CITY HERITAGE COUNCIL, DEFINING ITS POWERS AND FUNCTIONS AND APPROPRIATING FUNDS THEREOF.

Introduced by Councilors JESUS MANUEL C. SUNTAY, RODERICK M. PAULATE, FRANCISCO A. CALALAY, JR., DOROTHY A. DELARMENTE, ANTHONY PETER D. CRISOLOGO, RICARDO T. BELMONTE, JR., JOSEPH P. JUICO, ALEXIS R. HERRERA, PRECIOUS HIPOLITO CASTELO, ALFREDO D. VARGAS III, EDEN "CANDY" A. MEDINA, JULIENNE ALYSON RAE V. MEDALLA, GODOFREDO T. LIBAN II, JULIAN ML. COSETENG, ALLAN BENEDICT S. REYES, JAIME F. BORRES, JOSE MARIO DON S. DE LEON, GIAN CARLO G. SOTTO, EUFEMIO C. LAGUMBAY, JESSICA CASTELO DAZA, RAQUEL S. MALAÑGEN, VINCENT DG. BELMONTE, MARVIN C. RILLO, IVY LIM-LAGMAN, RANULFO Z. LUDOVICA and JOHN ANSELL R. DE GUZMAN.

WHEREAS, Republic Act No. 4846 promulgates that, it is the policy of the State to preserve and protect the cultural property of the nation;

WHEREAS, Section 16 of Republic Act No. 7160 states that, every Local Government Unit within their territorial jurisdiction, shall exercise the power to essentially promote the general welfare of ensuring and promoting the preservation and enrichment of culture;

WHEREAS, it is the responsibility of the City to promote, popularize, and safeguard our heritage treasures in order to deepen our people's understanding of our City's history and culture and strengthen their sense of nationalism, love of country and pride in our City;

WHEREAS, the City recognizes that historic sites, structures and events often times possess cultural value and should be considered as City Treasures to be bestowed for the benefit of future generations;

WHEREAS, our City's heritage considered as City's treasures are increasingly threatened either by natural or man-made destruction;

WHEREAS, given the magnitude and gravity of the threats to our City's heritage, it is incumbent upon the city as a whole to create and empower a heritage council for the purpose of identifying, protecting, promoting and maintaining our cultural and natural heritage treasures.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE – This Ordinance shall be known as the “Quezon City Heritage Council Ordinance”

SECTION 2. COVERAGE – The Heritage Council shall identify, document, create an inventory, govern and regulate all the artistic, cultural and historical wealth which constitutes as City Treasures.

SECTION 3. COMPOSITION OF THE COUNCIL –

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|---------------------------|---|
| a. Honorary Chairman | - The City Mayor |
| b. Honorary Vice Chairman | - The City Vice Mayor |
| c. Chairman | - Head, CPDO |
| d. Vice Chairman | - Chairperson of the
Committee on
Cultural and Tourism
Affairs, Quezon City
Council |
| e. Secretariat | - Cultural and Tourism
Affairs Office (CTAO) |

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f. Members

- a. City Administrator
- b. City Planning
- c. Engineering
- d. Parks
- e. Budget
- f. BOC
- g. NHCP
- h. Academe specializing in history and culture, art studies and history, fine arts, archeology, anthropology and architecture

SECTION 4. POWERS AND RESPONSIBILITIES – The Quezon City Heritage Council shall have the following powers and responsibility:

- a. Shall have the power to define what Quezon City Treasures and set parameters in connection thereof;
- b. Shall have the power to investigate, conduct research and gather data on historical events, places, objects and personalities believed to be from, part of or has shaped the history of Quezon City that can be identified as potential City Treasures;
- c. Shall have the power to formulate plans and strategies to develop, protect and promote City Treasures;
- d. Shall have the power to declare Historical, Cultural and Heritage sites, structures, events, objects and personalities as City Treasures, once it has passed the Council's investigation;
- e. Shall have the power to inspect City Treasures and essential cultural properties and QC landmarks, sites or monuments at any time to ensure the protection and integrity of the aforementioned. It may also inspect public or private collections or objects that may be categorized as cultural property, provided that in case of private collections or objects, the prior written consent of the owner shall be obtained;

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- f. Shall have the power to issue a Cease and Desist Order, suspending all activities that will affect the integrity of the cultural property, whenever the physical structure of the City Treasure or essential cultural properties are found to be in danger of destruction or significant alteration from its original state. The Council shall give notice to the owner or occupants of the cultural property and conduct a hearing on the propriety of the Issuance of the Cease and Desist order. The suspension of activities shall be lifted only upon the written authority of the City Mayor pending the recommendation of the Council;
- g. Shall have the power to serve orders to repair or maintain cultural properties to owners or occupants of privately owned heritage treasures that has fallen into disrepair through neglect to such an extent that it will lose its potential for conservation. If the owner fails to comply with said order within forty (40) days, repairs may be undertaken by the appropriate department or office for the account of the owner;
- h. Shall have the power to deputize the Quezon City Police Department and the Department of Public Order and Safety and other departments and offices in relation to this Ordinance, to enforce and assist measures pertaining to the enactment of this legislation;
- i. Shall have the power to recommend the acquisition or a partnership scheme with the owners of privately owned City Treasures;
- j. Shall be responsible to document and create an inventory of the City's historic heritage properties recording them in the QC Heritage Local Registry of Historic Structures, Personalities, Objects and Events and provide protective and fiscal measures; and
- k. Shall be responsible for updating and submitting reports to the City Mayor, City Council and National Agencies or Departments related to History, Culture, Heritage and Tourism;

SECTION 5. MEETINGS - The Council shall conduct regular meetings as scheduled by the majority of the Council and/or as may be required by the City Government.

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SECTION 6. COMPENSATION – *The Chairman and other Council members shall perform their duties without compensation or remuneration.*

SECTION 7. INCENTIVES AND PRIVILEGES FOR CULTURAL PROPERTY OWNERS –

- a. *Tax Exemption on Donations* – All donations in any form to the Committee or City shall be exempt from donor's tax and the same shall be considered as allowable deduction from the gross income in the computation of the income tax of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997 as amended.
- b. *Tax Credits* – Tax Credits will be given to owners of privately owned cultural structures.
- c. *Priority Funding* – Priority funding for protection, conservation and restoration will be given to City Treasures.
- d. *Incentives Program* – Incentives for private support of conservation and restoration through National Agencies for City Cultural Treasures.
- e. *Quezon City Treasure Marker* – will be placed by the Quezon City Heritage Council indicating that the immovable cultural property has been identified as a City Treasure.

SECTION 8. APPROPRIATIONS – There is hereby appropriated the sum of Five Million Pesos (PhP5,000,000,000) or so much thereof as may be deemed necessary, for the establishment of the Quezon City Heritage Council. Such amount shall be taken from any available funds of the City Treasury.

SECTION 9. PROHIBITED ACTS – Any Person/s who intentionally:

- a. *Destroy, demolish or damage any cultural and/or City Treasure;*

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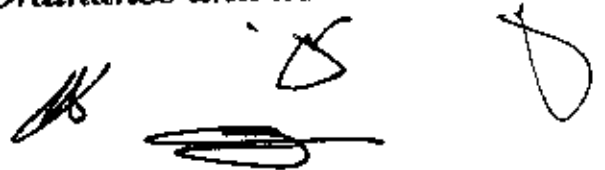
- b. Modify, alter or destroy the original feature or undertake construction or real estate development in any Heritage or Historical Shrine, monument, land mark and any other historic edifices and structures, declared, classified and marked by the Council, without prior written consent. This includes the designated security or buffer zone, extending five (5) meters from the visible perimeter of the monument or site; and
- c. Import, sell, distribute, procure, acquire, or export stolen cultural treasures, or otherwise lost against the will of the lawful owner.

SECTION 10. PENALTY - In addition to or aside from the penalty under applicable National Laws, Rules and Regulations, violation/s of any of the above sections as well as any provision/s hereof shall be punished as follows:

- a. First Offense - Warning and fine of three thousand pesos (Php3,000)
- b. Second Offense - Fine of four thousand pesos (Php4,000) and imprisonment not less than two (2) years
- c. Third Offense - Fine of five thousand pesos (Php5,000) and imprisonment of not more than six (6) years.

SECTION 11. FORMULATION OF IMPLEMENTING RULES AND REGULATIONS -

- a. Within one (1) month after the approval of this Ordinance, the City Mayor shall convene the Council as herein provided for. The Council shall formulate and issue the appropriate rules and regulations necessary for the efficient and effective implementation of all provisions of this Ordinance.
- b. The Council shall submit its report and recommendation to the City Mayor within one (1) month after its organization. If the City Mayor fails to act within fifteen (15) days from receipt thereof, the recommendation of the Quezon City Heritage Council shall be deemed approved. Thereafter, the council shall then exercise their mandate as to the execution and implementation of the Ordinance and its IRR.




SECTION 12. SEPARABILITY CLAUSE - The provisions of this Ordinance are separable. In the event that any of the provision/s is declared invalid by a competent court, the validity of all other provisions shall not be affected thereby.

SECTION 13. REPEALING CLAUSE - Any ordinance, executive order, local issuance of rules and regulations, or parts thereof, which are inconsistent with this Ordinance is hereby repealed and/or modified, accordingly.

SECTION 14. EFFECTIVITY CLAUSE - This Ordinance shall take effect immediately upon its approval.

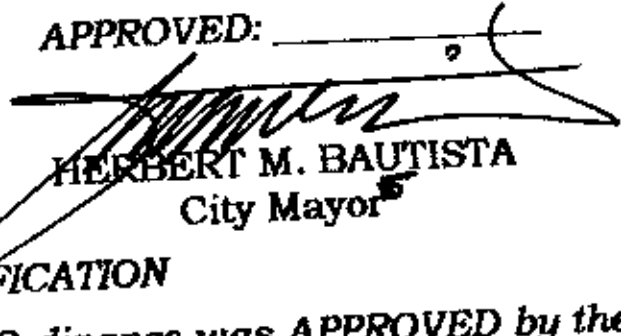
ENACTED: October 1, 2012.


MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept Head III

APPROVED: _____


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on October 1, 2012 and was PASSED on Third/Final Reading on October 15, 2012.


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept Head III 