



Congress of the Philippines
House of Representatives
Republic of the Philippines

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 102



Introduced by Representative **EDCEL C. LAGMAN**

EXPLANATORY NOTE

The construction of the condominium building Torre de Manila which stands 870 meters to the rear of the monument of the Philippine National Hero Jose P. Rizal stirred a hornet's nest in 2014.

The National Commission for Culture and the Arts, the National Parks Development Committee, and the Knights of Rizal, among other concerned agencies, groups and individuals, expressed grave concern over the condominium construction.

Protesting netizens labeled the building as a "photobomber" (an attention grabber that spoils or ruins an otherwise normal photo). In case of the Torre de Manila, it has been referred to as an constant and stationary photobomber.

It is too conspicuous to be denied that the DMCI Homes tower derogates the national hero's shrine. It obstructs the skyline even as it distracts the viewers from remembering Rizal's heroism and martyrdom in Luneta and the dire effects of Spain's colonial rule.

The imbroglio over the "photobomber" reached the highest court of the land. Voting 9-6 on 25 April 2017, the Supreme Court lifted the temporary restraining order that it issued one year and seven months earlier and allowed DMCI Homes to resume the suspended construction. The majority decision of the Supreme Court underscored that: "There is one fact that is crystal clear in this case. There is no law prohibiting the construction of the Torre de Manila due to its effect on the **background** "view, vista, sightline, or setting" of the Rizal Monument." In fact, no local ordinance whatsoever makes such prohibition.

The controversy that divided capitalists and nationalists was not conclusively resolved by the high tribunal's ruling in the absence of a law that expressly prohibits the challenged construction.

Hence, the imperative of a national legislation that will obviate the recurrence of the Torre de Manila issue. In this regard, this bill seeks to expressly prohibit any construction or real estate development that could ruin the view and sightline of any national shrine, monument, landmark and other historic edifices and structures by amending Section 48 of RA 10066, otherwise known as the "National Cultural Heritage Act of 2009".

The bill also mandates the local government unit (LGU) where any of the aforementioned cultural properties are located to pass an ordinance that would provide for the exact measurements of the size, height, and other relevant physical attributes of subject cultural properties in order to protect their designated views and sightlines.

The appropriate LGU is also authorized to condemn, demolish, and abate at the expense of the violator the offensive building or structure.

Approval of this measure is earnestly sought.



EDCEL C. LAGMAN



Congress of the Philippines
House of Representatives
Republic of the Philippines

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 102

Introduced by **Representative EDCEL C. LAGMAN**

**AN ACT PROTECTING THE PHYSICAL INTEGRITY OF A CULTURAL PROPERTY,
PENALIZING ANY OBSTRUCTION TO ITS VIEW AND SIGHTLINE, AMENDING FOR
THE PURPOSE REPUBLIC ACT NO. 10066 OTHERWISE KNOWN AS THE
“NATIONAL CULTURAL HERITAGE ACT OF 2009”**

Be it enacted by the House of Representatives and the Senate of the Congress of the Philippines in session assembled:

SECTION 1. Short Title. – This Act shall be known as the “Cultural Property Sightline Act”.

SEC. 2. Declaration of Policy. – The State shall conserve, preserve, develop, protect and promote the nation’s historical and cultural heritage and the people’s artistic creations. With a view to remembering the past and honoring heroes and martyrs, the State shall protect historical monuments, shrines, and landmarks from development aggression and profit-motivated incursion. More specifically, Section 15 of Article XIV of the 1987 Constitution provides: “The State shall conserve, promote and popularize the nation’s historical and cultural heritage and resources.

SEC. 3. Definition of Terms. – For purposes of this Act, the following terms shall be defined as follows:

a. *Cultural property* refers to all products of human creativity by which a people and a nation reveal their identity including but not limited to national historical shrines, monuments and landmarks, as declared by the National Historical Commission of the Philippines (NHCP);

b. *National Historical Landmark* refers to a site or structure that is associated with an event or achievement significant to Philippine history as declared by the NHCP;

c. *National Historical Monument* refers to a structure that honors illustrious persons or commemorates events of historical value as declared by the NHCP;

d. *National Historical Shrine* refers to a historical site or structure hallowed and revered for its history or association as declared by the NHCP;

SEC. 4. Amendment to RA No. 10066. – Section 48 on Prohibited Acts under Article XIII of Republic Act No. 10066 is hereby amended by providing a new Section 48 (b.1) to read as follows:

- (b1) AUTHORIZES OR ALLOWS THE CONSTRUCTION OF OR CONSTRUCTS A BUILDING OR SIMILAR STRUCTURE WHICH BY ITS SIZE AND PROXIMITY (1) OBSTRUCTS OR DWARFS THE FRONTAL, REAR OR LATERAL VIEW OR VISTA OF A NATIONAL SHRINE, MONUMENT, LANDMARK, AND OTHER HISTORIC EDIFICES AND STRUCTURES DECLARED, CLASSIFIED, AND MARKED BY THE NATIONAL HISTORICAL COMMISSION OF THE PHILIPPINES (NHCP) AS SUCH; (2) IMPAIRS THE VISUAL DOMINANCE OF SUCH HISTORIC EDIFICES OR STRUCTURES OVER ITS SURROUNDINGS; AND/OR (3) OBSTRUCTS THE SIGHTLINE OF SUCH HISTORIC CULTURAL STRUCTURES.

THE LOCAL GOVERNMENT UNIT (LGU) WHERE ANY OF THE CULTURAL PROPERTIES REFERRED TO IN THE PRECEDING PARAGRAPH IS LOCATED SHALL ENACT AN ORDINANCE PROVIDING FOR THE EXACT MEASUREMENTS OF THE SIZE, HEIGHT AND OTHER NECESSARY PHYSICAL CHARACTERISTICS OF SUBJECT CULTURAL PROPERTY IN ORDER TO PROTECT ITS DESIGNATED VIEW AND SIGHTLINE.

SUCH BUILDING OR STRUCTURE IN WHATEVER STAGE OF ITS CONSTRUCTION SHALL BE CONDEMNED, DEMOLISHED, AND ABATED BY THE APPROPRIATE LGU AT THE EXPENSE OF THE VIOLATOR.

SEC. 5. Penal Provision. – The penal provisions provided for under Section 49 of RA No. 10066 shall remain applicable.

SEC. 6. Prospective Application. – This Act shall have a prospective application.



SEC. 7. Separability Clause. – If for any reason any part or provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall remain and continue to be in full force and effect.

SEC. 8. Repealing Clause. – All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 9. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation or the Official Gazette.

Approved,

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a series of loops and a long horizontal stroke extending to the right.