

1 Republic of the Philippines
2 Bangsamoro Autonomous Region in Muslim Mindanao
3 **BANGSAMORO TRANSITION AUTHORITY**
4 Cotabato City

5 **BANGSAMORO TRANSITION AUTHORITY PARLIAMENT**

6 *Second Regular Session*

7 **BTA Bill No. 204**



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18 **AN ACT**

19 **PROVIDING FOR THE PROTECTION, PRESERVATION, CONSERVATION,**
20 **AND PROMOTION OF CULTURAL HERITAGE IN THE BANGSAMORO**
21 **AUTONOMOUS REGION, STRENGTHENING THE BANGSAMORO**
22 **COMMISSION FOR THE PRESERVATION OF CULTURAL HERITAGE,**
23 **ESTABLISHING THE BANGSAMORO CULTURAL HERITAGE PROGRAM,**
24 **AND APPROPRIATING FUNDS THEREFOR**

25 ***BE IT ENACTED** by the Bangsamoro Transition Authority Parliament in
session assembled:*

26 **SECTION 1. Short Title.** - This Act shall be known as the "**Cultural Heritage**
27 **Act of the Bangsamoro**".

28 **SECTION 2. Declaration of Policy.** - The Bangsamoro Autonomous Region is
29 deeply committed to the protection, preservation, conservation, and promotion of its unique
30 and diverse cultural heritage, encompassing both tangible and intangible elements. As
31 such, the Bangsamoro Government shall embody and consolidate the historical narratives,

32 socio-cultural practices, and varied traditions of the Bangsamoro people that contribute to
33 the vibrant cultural mosaic of the region.

34 By fostering a profound cultural consciousness and appreciation, the Bangsamoro
35 government shall strengthen the Bangsamoro people's distinctive cultural identity and
36 promote intercultural dialogue, mutual respect, and peace within the region and beyond. It
37 shall underscore the active participation of communities in the stewardship of cultural
38 heritage sites and properties, ensuring their conservation and utilization for educational,
39 scientific, cultural, and touristic purposes.

40 In furtherance of this commitment, the Bangsamoro Government pledges to
41 allocate adequate resources, strategic planning, and continuous capacity-building for the
42 effective implementation of its cultural heritage programs. It shall ensure the
43 mainstreaming of the Bangsamoro cultural heritage, identity, and history in all levels of
44 governance and development, integrating cultural heritage protection, preservation,
45 conservation, and promotion principles and practices, including the use of innovative
46 technology and tools, into local and regional planning strategies, infrastructure
47 development, and environmental and other sustainability measures. Moreover, the
48 Bangsamoro Government shall collaborate with local, national, and international entities
49 to ensure the successful realization of this policy.

50 Furthermore, the Bangsamoro Government is committed to ensure that the
51 protection, preservation, conservation, and promotion of the region's cultural heritage be
52 consistent with Islamic principles including stewardship (*Khilafah*), public interest
53 (*Maslaha*), integrity (*Istiqamah*), respect for rights and property (*Huquq*), harmony with
54 the environment (*Tawazun*), collaboration and cooperation (*Ta'awun*), avoiding waste
55 (*Israf*), justice (*Adl*), and peace and tolerance (*Salam* and *Tasamuh*). The Bangsamoro
56 Government recognizes the significance of culture in the Islamic perspective and shall
57 adhere to these principles in its efforts to safeguard and showcase the Bangsamoro cultural
58 heritage.

59 Finally, the Bangsamoro Government recognizes and prioritizes the need for a
60 holistic approach to cultural heritage, embracing diversity, supporting artistic creativity,
61 preserving cultural traditions, and promoting cultural expressions as fundamental
62 components of the Bangsamoro's cultural vitality, communal identity, and historical
63 continuity. It acknowledges the role of the Bangsamoro's cultural heritage as a bridge for
64 understanding and cooperation, fostering social cohesion, mutual respect, and peaceful co-
65 existence among its diverse inhabitants and with other communities and regions of the
66 country.

67 **SECTION 3. *Definition of Terms.*** The following terms, as used in this Act, shall
68 mean:

- 69 a. "Bangsamoro Culture" refers to the sum total of ways of living built up by a group of
70 human beings, which is transmitted from one generation to another, including but not
71 limited to their beliefs, practices, arts, laws, customs, traditions, and institutions.

- 72 b. "Bangsamoro Identity" refers to the distinct collective attributes, characteristics, values,
73 heritage, and cultural context that create a sense of belonging among the Bangsamoro
74 people, including but not limited to their languages, traditions, customs, beliefs, and
75 practices.
- 76 c. "Bangsamoro History" refers to the chronicle of significant events, experiences, and
77 narratives of the Bangsamoro people, including their origins, struggles, and aspirations.
- 78 d. "Cultural Heritage" refers to the totality of cultural property preserved and developed
79 through time and passed on to posterity.
- 80 e. "Tangible Cultural Heritage" refers to all natural and man-made, movable and immovable,
81 and tangible objects of religious, artistic, historical, and cultural value.
- 82 f. "Intangible Cultural Heritage" refers to practices, expressions, knowledge, skills – as well
83 as the instruments, objects, artifacts, and cultural spaces associated with them – that
84 communities, groups, and in some cases, individuals, recognize as part of their cultural
85 heritage.
- 86 g. "Cultural Properties and Sites" encompass both tangible and intangible properties and
87 physical locations that hold cultural, artistic, historical, architectural, or archaeological
88 significance to the Bangsamoro people. These may include tangible cultural properties
89 such as artifacts, structures, artworks, and monuments, as well as intangible cultural
90 heritage practices, expressions, knowledge, and skills associated with specific cultural
91 sites.
- 92 h. "Cultural Protection" pertains to the measures and actions taken to safeguard and ensure
93 the integrity, authenticity, and continued existence of cultural heritage, including the
94 establishment of legal frameworks, regulations, and enforcement mechanisms to prevent
95 unauthorized alteration, destruction, or illicit trade of cultural properties.
- 96 i. "Cultural Preservation" refers to activities and processes designed to safeguard cultural
97 property from deterioration, damage, or loss. It includes conservation efforts, restoration
98 work, maintenance, and preventive measures to ensure the physical and structural stability
99 of cultural heritage objects, sites, or practices.
- 100 j. "Cultural Conservation" involves the comprehensive and sustainable management and care
101 of cultural heritage, encompassing preservation, restoration, research, documentation,
102 interpretation, and community engagement. It aims to retain the cultural, artistic, historical,
103 and social significance of cultural properties while promoting their understanding and
104 appreciation.
- 105 k. "Cultural Promotion" relates to initiatives and activities undertaken to raise awareness,
106 enhance appreciation, and encourage active participation in cultural heritage. This may
107 include educational programs, cultural events, exhibitions, publications, digital platforms,

108 or other means of disseminating knowledge and showcasing the value and significance of
109 cultural heritage to the Bangsamoro people and wider audiences.

110 **SECTION 4. *Additional Powers and Functions of the BCPCH.*** - In addition to
111 its existing mandates, powers, and functions under the Bangsamoro Administrative Act
112 (BAA) No. 13 otherwise known as the Bangsamoro Administrative Code, the BCPCH shall
113 have the following additional powers and functions:

114 a) Exercise powers to enforce laws related to cultural heritage protection, preservation,
115 conservation, and promotion in the Bangsamoro Autonomous Region and deputize such
116 powers to government agencies and local government units (LGUs) when necessary;

117 b) Exercise oversight powers over Local Culture and Arts Councils in local government units
118 (LGUs) to ensure the effective implementation of cultural heritage programs, projects, and
119 activities;

120 c) Require any person or entity intending to or is engaged in the sale, transfer, export, import,
121 or any other form of transaction involving cultural property of the Bangsamoro to obtain a
122 permit from the BCPCH, providing all necessary information and documentation as
123 required by the IRR and guidelines promulgated by the BCPCH to this effect;

124 d) Revoke or suspend such permit if the person or entity is found to be in violation of the
125 conditions for the issuance of the permit, any of the prohibited acts, engaged in illegal
126 activities, or failing to comply with any provisions of this Act, and/or other applicable laws
127 and regulations. Revocation or suspension shall be carried out in accordance with due
128 process, IRR and guidelines promulgated to this effect;

129 e) Charge and collect fees for permits issued and undertook in connection with the
130 implementation of this Act;

131 f) Mainstream Bangsamoro cultural heritage, identity, practices, and history in all levels of
132 governance and development, including the integration of these aspects in the policies,
133 programs, projects, and activities of ministries, agencies, and offices;

134 g) Recognize and support leaders, individuals, and organizations championing the
135 Bangsamoro culture, identity, and history, and provide incentives for their contributions to
136 the preservation and promotion of the region's cultural heritage;

137 h) Review and endorse for approval all proposed programs, projects, and activities of
138 ministries, agencies, and offices that may have an impact on the cultural heritage of the
139 Bangsamoro Autonomous Region;

140 i) Manage the Bangsamoro Endowment Fund for culture, identity, and history;

141 j) Coordinate with the Ministry of Basic, Higher and Technical Education in providing
142 scholarships related to Bangsamoro culture, identity, and history;

- 143 k) Adopt guidelines and issuances in the implementation of the provisions of this Act in
144 alignment with Islamic principles;
- 145 l) Adopt a structure responsive to the implementation of its mandates, powers, and functions
146 including but not limited to research, planning, and policy development, program
147 management, monitoring and evaluation, cultural properties protection, regulation, and
148 enforcement, quality management, administration and finance, and coordination and
149 support services including granting awards and incentives;
- 150 m) Coordinate with national government agencies, local government units, international
151 cultural entities, and other stakeholders in the implementation of this Act;
- 152 n) Perform such other duties and functions as may be provided by law.

153 **SECTION 5. *Bangsamoro Cultural Heritage Program.*** – The Bangsamoro
154 Cultural Heritage Program is hereby established, guided by the Bangsamoro Commission
155 for the Preservation of Cultural Heritage (BCPCH) in partnership with relevant agencies
156 and local government units. The program incorporates and advances the following
157 components:

- 158 a) ***Culture-Sensitive Governance.*** – This component prioritizes the integration of cultural
159 considerations in governance and development. It includes the documentation, inventory,
160 and registration of cultural properties and sites, and the creation of cultural heritage zones
161 and cultural centers. It underscores the importance of active collaboration with government
162 agencies and units in decision-making processes to ensure the promotion and respect of the
163 Bangsamoro culture, identity, and history.
- 164 b) ***Cultural Development and Advocacy.*** – This component is dedicated to enhancing cultural
165 awareness and education, advocating for the significance Bangsamoro culture, identity,
166 and history, and supporting local artists, artisans, and cultural workers. It focuses on
167 fostering deeper societal integration of the Bangsamoro culture, identity, and history.
- 168 c) ***Cultural Preservation and Conservation.*** – This component is devoted to maintaining and
169 safeguarding the Bangsamoro cultural heritage. It entails efforts to preserve, conserve, and
170 restore cultural properties and sites, ensuring their longevity for future generations to
171 appreciate and learn from.
- 172 d) ***Bangsamoro History and Development.*** – This component illuminates the vibrant history
173 and evolution of the Bangsamoro people. It involves documenting and studying the
174 Bangsamoro history to deepen understanding and appreciation of the Bangsamoro culture
175 and identity.
- 176 e) ***Museum and Library Management and Development.*** – This component involves
177 establishing and effectively managing Bangsamoro museums and libraries as repositories
178 of cultural artifacts. These institutions serve as venues for cultural education and catalysts

179 for cultural tourism, encouraging greater appreciation of the Bangsamoro culture, identity,
180 and history.

181 f) ***Development of Cultural Enterprises and Tourism.*** – This component encourages and
182 supports the development of cultural enterprises, including cooperatives and social
183 enterprises, in their business planning, management, production, and service provision
184 among others. It shall include provision of assistance to cultural enterprises in their
185 registration of cultural products and services under the Intellectual Property Law. It shall
186 also encourage tourism that respects and appreciates the cultural heritage of the
187 Bangsamoro and involves promoting cultural sites, festivals, and local traditions,
188 supporting local economies while promoting cultural understanding and appreciation. This
189 shall be in coordination with the Cooperatives and Social Enterprise Authority (CSEA),
190 the Ministry of Trade, Investment and Tourism (MTIT) and other relevant ministries,
191 agencies, and offices.

192 g) ***Such Other Components or Programs Adopted by the BCPCH and Other Implementing***
193 ***Agencies.*** - This includes any other initiatives that BCPCH and other implementing
194 ministries, agencies, and offices may undertake to fulfill their mandates, powers, and
195 functions that will further protect, preserve, conserve, and promote the Bangsamoro
196 culture, identity, and history.

197 **SECTION 6. *Master Plan on the Protection, Preservation, Conservation, and***
198 ***Promotion of the Bangsamoro Cultural Heritage.*** – The BCPCH shall develop and adopt,
199 within six months after the effectivity of this law, a comprehensive Master Plan on the
200 Protection, Preservation, Conservation, and Promotion of the Bangsamoro Cultural
201 Heritage. This Master Plan shall serve as a strategic framework and roadmap for the
202 effective implementation of cultural heritage programs and initiatives in the Bangsamoro
203 Autonomous Region.

204 **SECTION 7. *Bangsamoro Cultural Heritage Advocacy Network.*** – A
205 Bangsamoro Cultural Heritage Advocacy Network shall be created to serve as a
206 collaborative platform connecting the BCPCH with various cultural communities,
207 academe, private sector, and other stakeholders. The network shall facilitate the exchange
208 of information, ideas, and resources, provide policy recommendations, review and endorse
209 projects, and assist in the implementation of the Bangsamoro Cultural Heritage Program.

210 **SECTION 8. *Preservation and Restoration of Cultural Properties and Sites.*** -
211 The Bangsamoro Government through the BCPCH shall provide financial and technical
212 assistance to local government units, non-government organizations, and private
213 individuals for the preservation and restoration of cultural properties, sites, history, art
214 traditions, and rich cultural heritage of the Bangsamoro people and their sultanates,
215 including the non-moro indigenous peoples of BARMM, in accordance with the guidelines
216 it shall adopt for the purpose.

217 **SECTION 9. *Cultural Mapping by Local Government Units.*** - Local Government
218 Units, in coordination with the BCPCH, are hereby mandated to conduct a comprehensive

219 cultural heritage mapping of their areas, including tangible and intangible heritage and
220 natural and built heritage structures. The local government units shall mobilize and partner
221 with concerned agencies to ensure prompt and effective implementation of this act. All
222 findings and outputs shall be submitted and registered in the BCPCH.

223 **SECTION 10. Cultural Heritage Zones.** - The Bangsamoro Government, through
224 the BCPCH, shall identify, establish, and manage Cultural Heritage Zones, which shall be
225 areas of significant historical, cultural, or architectural value. The BCPCH shall develop
226 guidelines for the preservation, conservation, and development of these zones.

227 **SECTION 11. Cultural Heritage Education and Awareness.** - The Ministry of
228 Basic, Higher, and Technical Education (MBHTE), in consultation with the BCPCH, shall
229 integrate cultural heritage education in the basic and tertiary education curricula. The
230 BCPCH shall coordinate with the MBHTE and other stakeholders to promote awareness
231 and appreciation of the Bangsamoro cultural heritage.

232 **SECTION 12. Committee on Culture in the Bangsamoro Parliament.** - There
233 shall be established a Committee on Culture in the Bangsamoro Parliament that shall have
234 jurisdiction in the protection, preservation, conservation, and promotion of the
235 Bangsamoro culture, identity, and history.

236 **SECTION 13. Funding.** - The Bangsamoro Government shall allocate necessary
237 funds for the implementation of this Act. The BCPCH shall submit an annual budget
238 proposal, including funding requirements for the Bangsamoro Cultural Heritage Program
239 to the Bangsamoro Parliament for approval.

240 **SECTION 14. Bangsamoro Endowment Fund (Awqaf) for Cultural Heritage.** -
241 An Islamic endowment fund (Awqaf), referred to as the "Bangsamoro Endowment Fund
242 for Cultural Heritage", shall hereby be established. This fund shall be devoted to the
243 protection, preservation, conservation, and promotion of the Bangsamoro cultural heritage.
244 It shall be sourced from donations, grants, contributions, endowments, legacies or gifts
245 from various sources, both local and international, the annual budget allocation of the
246 Bangsamoro Government from revenues it generates as determined in the Bangsamoro
247 Revenue Code, and income from the development and utilization of cultural heritage
248 properties.

249 **SECTIONS 15. Prohibited Acts.** - To the extent that the offense is not punishable
250 by a higher punishment under another provision of law, violations of this Act may be made
251 by whoever intentionally:

252 a) Destroys, demolishes, mutilates or damages any heritage site, cultural treasures, important
253 cultural property and archaeological and anthropological sites within the Bangsamoro
254 Region;

255 b) Modifies, alters, or destroys the original features of or undertakes construction or real estate
256 development in any regional shrine, monument, landmark and other historic edifices and

- 257 structures, declared, classified, and marked by the BCPCH without prior written
258 permission from said Commission. This includes the designated security or buffer zone,
259 extending five (5) meters from the visible perimeter of the monument or site;
- 260 c) Explores, excavates or undertakes diggings for the purpose of obtaining materials of
261 cultural historical value without prior written authority from the BCPCH. No excavation
262 or diggings shall be permitted without the supervision of a certified archaeologist;
- 263 d) Appropriates excavation finds contrary to the provisions of pertinent laws;
- 264 e) Imports, sells, distributes, procures, acquires, or exports cultural property stolen, or
265 otherwise lost against the will of the lawful owner;
- 266 f) Illicitly exports cultural property listed in the BCPCH Registry of Cultural Property or
267 those that may be categorized as such upon visitation or incorrectly declares the same
268 during transit;
- 269 g) Deals in cultural property without proper registration and license issued by the cultural
270 agency concerned; and
271
- 272 h) Such other prohibited acts as may be determined by law or regulation.
273

274 **SECTION 16. Penal Provisions.** – Any person who violates any provision of this
275 Act shall be punished by a fine of not less than two hundred thousand pesos (P200,000.00)
276 or by imprisonment for not less than ten (10) years, or both such fine and imprisonment at
277 the discretion of the court. In addition, the offender may be required to cover the cost of
278 repair, restoration, or restitution of the affected cultural property or heritage site.
279

280 In case the violation is committed by a corporation, partnership, or any other entity,
281 the head, directors, managers, or any officer who consented to or knowingly tolerated such
282 violation shall be held liable. The juridical entity itself shall also be subjected to applicable
283 fines, penalties, loss of licenses, or restrictions on operation as determined by law or
284 regulation. If the liable individuals are aliens, they shall, after serving their sentence, be
285 deported immediately without further proceedings. In case the individuals are public
286 officials or employees, they shall, in addition to the penalties prescribed herein, be deemed
287 automatically dismissed from the service and their benefits forfeited, after due proceedings.

288 The offender shall also be ordered to pay an indemnity for damages to the affected
289 cultural properties or heritage sites at an amount determined by the court.

290 In the event that the violation involves endangering or damaging cultural property
291 that has been declared as a national cultural treasure or important cultural property, the fine
292 and prison term shall be doubled. The offender shall likewise be required to undertake
293 restoration works and pay for any damage caused to the cultural property.

294 **SECTION 17. *Implementing Rules and Regulations.*** - The BCPCH, in
295 consultation with relevant stakeholders, shall formulate and issue the necessary rules and
296 regulations for the effective implementation of this Act within ninety (90) days from its
297 effectivity.

298 **SECTION 18. *Transitory Provisions.*** - The BCPCH shall ensure the smooth
299 transition and integration of the additional mandates, powers, and functions provided in
300 this Act. Existing personnel, resources, and processes shall be reviewed and reorganized
301 as necessary to fulfill the expanded roles and responsibilities of the BCPCH.

302 **SECTION 19. *Separability Clause.*** - If any part or provision of this Act is held
303 invalid or unconstitutional, the other parts or provisions not affected thereby shall remain
304 in full force and effect.

305 **SECTION 20. *Repealing Clause.*** - All laws, decrees, orders, rules, and
306 regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed
307 or modified accordingly.

308 **Section 21. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
309 publication in the Bangsamoro Gazette or in a newspaper of general or regional circulation
310 in the Bangsamoro Autonomous Region in Muslim Mindanao.

311 *Approved.*

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