



**Republic of the Philippines
CITY COUNCIL
City of Manila**

**REGULAR SESSION NO. 227
8TH CITY COUNCIL**

**Begun and held in the City Council on Tuesday,
the seventeenth day of July, Two Thousand Twelve**

ORDINANCE NO. 8310

AN ORDINANCE REGULATING ANY CONSTRUCTION AND/OR DEVELOPMENT THAT WOULD IMPAIR AND/OR RUIN THE VICINITY OR LINE OF SIGHT VIEW/VISTA OF ALL HISTORICAL AND CULTURAL SITES/MONUMENTS SITUATED IN THE CITY OF MANILA AND FOR SUCH OTHER PURPOSES

PRINCIPAL AUTHORS: HON. DON JUAN "DJ" BAGATSING, HON. MA. SHEILAH H. LACUNA-PANGAN, Majority Floor Leader, HON. JOCELYN B. DAWIS-ASUNCION, HON. JOCELYN J. QUINTOS, HON. CRISTINA A. ISIP, HON. NUMERO G. LIM, HON. RICHARD C. IBAY, HON. DANILO VICTOR H. LACUNA, JR., HON. ERNESTO M. DIONISIO, JR., HON. CASIMIRO C. SISON, Hon. Dennis B. Alcoreza, Hon. Irma C. Alfonso-Juson, Hon. Bernardito C. Ang, Hon. Rafael P. Borromeo, Hon. Ruben F. Buenaventura, Hon. Joel R. Chua, Hon. Louisito N. Chua, Hon. Ma. Asuncion G. Fugoso, Hon. Rodolfo N. Lacsamana, Hon. Moises T. Lim, Hon. Edward V.P. Maceda, Hon. John Marvin C. Nieto, Hon. Erick Ian O. Nieva, Hon. Robert R. Ortega, Jr., Hon. Eduardo V. Quintos, Hon. Elizabeth Z. Rivera, Hon. Ramon M. Robles, Hon. Edward M. Tan, Hon. Raymundo R. Yupangco, Hon. Salvador H. Lacuna, HON. ERNESTO C. ISIP, JR., Acting Majority Floor Leader, HON. MARLON M. LACSON, President Pro-Tempore and Acting Presiding Officer and HON. FRANCISCO "Isko Moreno" DOMAGOSO, Vice Mayor and Presiding Officer

PREAMBLE

WHEREAS, the State is constitutionally mandated to conserve, develop, promote and popularize the nation's historical and cultural heritage and resources and that all the country's artistic and historic wealth are under the protection of the State, who may regulate its disposition;

WHEREAS, historical and cultural sites/monuments are landmarks and memorials of momentous events and heroes that shaped the course of our nation's history and as such, deserve special consideration for protection and conservation as they contribute to the Filipinos' greater understanding and appreciation for our historical and cultural heritage, and help foster our national identity;

WHEREAS, in consonance with the Guidelines on Monuments Honoring National Heroes, Illustrious Filipinos, and other personages issued by the National Historical Commission of the Philippines, as mandated by the R.A. 10086, otherwise known as the National Cultural Heritage Act of 2009, monuments must be honored, preserved, protected and given due prominence as they symbolize national significance: **NOW, THEREFORE,**

Be it ordained by the City Council of Manila, in session assembled, **THAT:**

SECTION 1. This legislative measure shall be known as the "**Historical and Cultural Monuments Preservation and Protection Ordinance of the City of Manila**".

SEC. 2. Pursuant to Section 1 hereof, it is hereby declared the policy of the City Government to preserve and protect the City's historic and cultural heritage and to promote education and patriotic heritage and nationalism, as embodied and reflected in such historic areas, places, buildings and structures, through appropriate regulations.

SEC. 3. No person or entity may construct or develop any building/structure which is of such a height or in such location that would impair the vicinity or ruin the line of sight/vista/view of any historical and cultural site/monument or erect any structure that would diminish its dominance and dignity or aesthetically desecrate its frontal or natural perspective.

SEC. 4. Any contractor or developer seeking to undertake a vertical construction in a location or is of such height that may likely impair the vicinity or ruin the sightline/vista of any historical and cultural site/monument is required to undergo a dialogue and secure clearance from the National Historical Commission of the Philippines, the Manila Tourism and Cultural Affairs Office and the Manila City Council's Committee on Tourism, Committee on Arts and Culture and Committee on Housing, Urban Planning Development and Resettlement.

SEC. 5. For purposes of this Ordinance, the Guidelines on Monuments Honoring National Heroes, Illustrious Filipinos, and other personages enacted by the National Historical Commission of the Philippines is hereby adopted by the Manila City Council as the ultimate standard for determining whether or not the construction/development to be undertaken is of such height or in a location that may likely impair the vicinity or ruin the sightline/vista of any historical and cultural site/monument stated.

SEC. 6. This Ordinance does not, in any way, absolutely ban any development projects that may take place near historical and cultural sites or monuments but seeks only to regulate any such construction through hearing and dialogue with the aforementioned authorities.

SEC. 7. Any person, natural or juridical, found guilty of violating any provision of this Ordinance shall be fined the amount of Three Thousand Pesos (PhP 3,000.00) for the first offense and subsequent or continuous violations shall have the penalty of imprisonment of not less than one (1) year, with a fine in the amount of Five Thousand Pesos (PhP 5,000.00) and without prejudice to the revocation and/or cancellation of the business permit, permit to operate, franchise and other similar privileges granted to the business entity.

If the violator or offender is a juridical entity, the manager or president or chairman of the board of directors or managing partner shall suffer the penalty or penalties herein provided, as the case may be.


SEC. 8. Repealing Clause. - All ordinances, resolutions and City administrative issuances, rules and regulations or parts thereof, inconsistent with this Ordinance are hereby repealed or modified accordingly.

SEC. 9. Separability Clause. - If for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

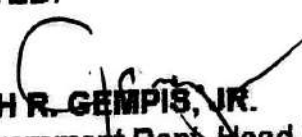
SEC. 10. Effectivity Clause. - This Ordinance shall take effect upon its approval.

This Ordinance was finally enacted by the City Council of Manila on March 21, 2013.

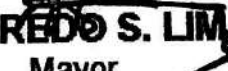
PRESIDED BY:


MARLON M. LACSON
President Pro-Tempore and
Acting Presiding Officer
City Council, Manila


ATTESTED:


LUCH R. GEMPIS, JR.
City Government Dept. Head III
(Secretary to the City Council)

9 Veto this Ordinance for being ultra vires
~~BY HIS HONOR, THE MAYOR, ON~~ 12 April 13.


ALFREDO S. LIM
Mayor
City of Manila

ATTESTED:


RAFAELITO M. GARAYBLAS
City Government Dept. Head III
(Secretary to the Mayor)