

Local Ordinances on Heritage Preservation in Selected Towns

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ABSTRACT

The protection and conservation of built heritage in the Philippines rest mainly upon the national government in partnership with the local government and the community. The state of conservation of the built heritage in selected Philippine towns and cities reflects the ramifications of various agenda in the realm of heritage preservation policy. The international community recognizes the need for a comprehensive approach to urban planning and development of cities, whereby the historic district of the city or town can be redeveloped and revitalized by adopting the integrated conservation paradigm.

The Philippines' cultural treasures and/or national historical landmarks, especially those that have been included in the World Heritage List, have been the foci of local government legislations enacted to address the concerns of heritage preservation in the territorial jurisdiction of towns and cities. Towns and cities as loci

of history and culture should be the embodiment of how well they value heritage preservation in their planning endeavors to attain sustainable development goals.

This paper surveys local ordinances on heritage preservation of specific towns, and how these ordinances bear on the state of conservation of their built heritage. The research delves on various legislations enacted by local government units in response to the initiatives of the national government regarding the protection of immovable cultural properties, historic sites, and structures. The study focuses on three municipalities—Paoay in Ilocos Norte, Santa Maria in Ilocos Sur, and Miagao in Iloilo—which have crafted policies and plans on matters of heritage preservation vis-à-vis development goals of their respective localities.

TOWNS AND CITIES AS LOCI FOR HERITAGE PRESERVATION

The protection and conservation of the country's built heritage, as embodied in the Philippine Constitution and mandated by laws such as the National Cultural Heritage Act of 2009 (Republic Act [RA] 10066) and the National Historical Commission of the Philippines Law (RA 10086), rest mainly upon three national government cultural agencies: the National Historical Commission of the Philippines (NHCP), the National Museum (NM), and the National Commission for Culture and the Arts (NCCA). Since 1973, the national government, through national government agencies (NHCP¹ and NM), has identified, declared, and protected numerous immovable cultural properties and historical landmarks throughout the Philippine archipelago. Six of these immovable cultural properties have been inscribed in the UNESCO World Heritage List.

In line with the policies and objectives of RA 10066, the government has formulated a program for the conservation of built heritage. Through the NCCA, the program provides assistance to structures declared as National Cultural Treasures and/or inscribed in the UNESCO World Heritage List. The Spanish colonial period churches located in eleven regions of the country have been main beneficiaries of the program.

The state of conservation of our built heritage in selected Philippine towns and cities reflects the ramifications of laws, local legislations, and practices in the realm of heritage preservation in these urban territories. The enactment of the Local Government Code of 1991 (RA 7160) empowers every local government for efficient and effective governance, which is essential to the promotion of the general welfare. “Within their respective territorial jurisdictions, local governments shall ensure and support among other things the preservation and enrichment of culture.”² Local governments are enjoined to share with the national government the responsibility in the protection and management of Philippine built heritage involving national cultural treasures, national shrines, and national historical landmarks. How local governments have responded to the national initiatives for heritage protection may be gleaned from the local legislations enacted and administered to address the concerns of heritage preservation in the respective territorial jurisdiction of towns and cities. Selected towns and cities have enacted various local ordinances that embody policies, guidelines, rules, and regulations on matters of heritage preservation within the locality.

This research surveys the local ordinances on heritage preservation of specific towns, and how these ordinances bear on the state of conservation of their built heritage. The research delves into the various legislations by local government units (LGUs) in response to the initiatives of the national government

in the protection of our immovable cultural properties, historic sites and structures. The study focuses on three municipalities where three of the four National Cultural Treasures and/or National Historical Landmarks under the protection of the national government have been recognized among others as part of the World Heritage List.

Four Roman Catholic churches built between the sixteenth and eighteenth centuries in the Spanish colonial period comprise the Baroque Churches of the Philippines that were included as a serial inscription on the UNESCO's World Heritage List in 1993. The Baroque churches are located in separate areas of the Philippine archipelago: one in Paoay, Ilocos Norte; one in Santa Maria, Ilocos Sur; one in Intramuros, Manila; and the other in Miagao, Iloilo. The Baroque churches "established a style of building and design that was adapted to the physical conditions in the Philippines which had an important influence on later church architecture in the region."³ As dominant structures of towns, the Baroque churches "reflect excellent site planning principles following the *Ley de las Indias* (Laws of the Indies) enacted by Philip II in 1563 for all newly-discovered settlements within Spanish colonial territories."⁴ The Baroque Churches of the Philippines deserve the highest standards of conservation (as provided for in RA 10066) as appropriate for World Heritage properties so that their authenticity, integrity, and outstanding value are not allowed to be compromised.

The international community recognizes the need for a comprehensive approach to urban planning and development of cities. Citing the outcome document of the United Nations Conference on Sustainable Development (Rio+20), "The Future We Want" stresses how dependent communities are on ecosystems for their livelihoods; their economic, social, and physical well-being; and their cultural heritage.

We recognize that, if they are well planned and developed including through integrated planning and management approaches, cities can promote economically, socially and environmentally sustainable societies. In this regard, we recognize the need for a holistic approach to urban development and human settlements that provides for affordable housing and infrastructure and prioritizes slum upgrading and urban regeneration. We commit to work toward improving the quality of human settlements, including the living and working conditions of both urban and rural dwellers in the context of poverty eradication so that all people have access to basic services, housing and mobility. We also recognize the need for conservation as appropriate to the natural and cultural heritage of human settlements, the revitalization of historic districts, and the rehabilitation of city centers.⁵

The old section or historic district of a city or town can be redeveloped and revitalized by adopting the integrated conservation paradigm: “Urban management should aim to create harmony, avoid undesirable uses and maintain the existing scale of buildings, as well as their functional and cultural values. The methodology of this approach is called integrated conservation.”⁶ Conservation planning aims to optimize the potential of historic areas. The basis for planning and conservation is the knowledge and understanding of the historic urban fabric. The integrated conservation of historic urban areas implies an interdisciplinary collaboration under the leadership of a qualified planner sensitive to heritage conservation.⁷ Feilden and Jokilehto emphasize that the historic districts’ varying ordinances have corresponding technical, social, political, or economic motives.⁸ Determining the rationale behind these local legislations vis-à-vis local heritage conservation practices will give an understanding of the explanation behind the physical plan of the territories and

the planning norms for the appropriate urban conservation of subject territories and their built heritage. Towns and cities as loci of history and culture should be the embodiment of how well they value heritage preservation in their planning endeavors to attain sustainable development goals.

LOCAL ORDINANCES ON HERITAGE PRESERVATION IN THE MUNICIPALITY OF PAOAY

Paoay, Ilocos Norte, is a fourth-class municipality with a population of 23,956 inhabitants and a land area of 7,624 hectares.⁹ The Roman Catholic Church of Paoay (a.k.a. the Church of San Agustin in Paoay) was declared a National Cultural Treasure in 1973 by virtue of Presidential Decree (PD) 260.¹⁰ The Church of Paoay is a serial component of the Baroque Churches of the Philippines.

Apart from the 2009 Ilocos Norte provincial ordinance, there are two complementing ordinances on heritage preservation in Paoay. In 2002, the Sangguniang Bayan of Paoay enacted Municipal Ordinance 2002-08: “An ordinance establishing the Paoay Heritage District, adopting a development plan therefor, and providing rules and regulations for its implementation and operation.”¹¹ The 2002 ordinance was approved by Municipal Mayor Reginita Nenuca V. Evangelista on 20 November 2002 and took effect on 1 January 2003. In 2011, the Sangguniang Bayan of Paoay enacted Municipal Ordinance 2011-04, otherwise known as “An ordinance amending certain provisions of Municipal Ordinance No. 2002-08: An ordinance establishing the Paoay Heritage District, adopting a development plan therefor, and providing rules and regulations for its implementation and operation.”¹² The 2011 ordinance was approved by Municipal Mayor Bonifacio C. Clemente Jr. on 29 November 2011. Municipal Ordinance 2002-08 as amended

by Municipal Ordinance 2011-04 is the complementing legislation for the core and buffer zones for the Church of Paoay. The Church of Paoay occupies a core zone with a total land area of 27,547 square meters and a buffer zone of 138,629 square meters.¹³

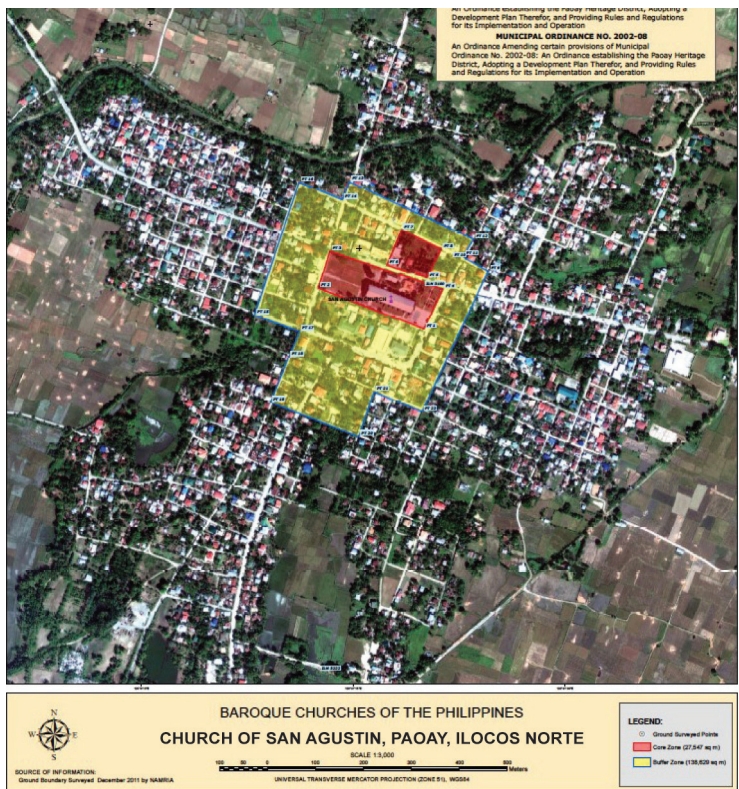


Figure 1. Map of the core and buffer zones of the Church of San Agustin in Paoay, Ilocos Norte (NAMRIA, 2011)

The 2002 ordinance consists of nine articles as follows: Article I, Establishment of the Heritage District and Definitions; Article II, Statement of Policies and Policy Guidelines; Article III, Structure or Building Requirements; Article IV, Streetscapes and Opens Spaces Improvements; Article V, Specific Structural

Requirements and Designs; Article VI, Design Review Board; Article VII, Paoay Heritage District Fund; Article VIII, Administration and Implementation; and Article IX, Final Provisions.

The main purpose of the 2002 ordinance is the establishment of Paoay Heritage District in the municipality based on the physical plan of the 1999 Master Plan prepared, formulated, and approved by the Paoay Church Restoration Task Force (23 September 1999). This ordinance intends to maintain the Heritage District as a foci of government, tourism, commerce, and religious and educational activities without altering its distinct thematic character. It defines the boundaries of the Paoay Heritage District's core and buffer zones (Section 2). It states general land-use policies, specific land uses, building requirements, streetscapes, and open space requirements. It created a Design Review Board (Article VI), which regulates all design- and construction-related activities within the Heritage District. It established a Heritage District Fund to be used for programs, projects, and activities related to the Heritage District. The special fund is sourced from tax levies or imposed fees on business establishments, building constructions, film activities, and use of facilities within the district.

The 2011 ordinance amended certain provisions in the 2002 ordinance, particularly the boundaries of the core and buffer zones (Section 1), the prohibitions on the use of the Heritage District (Section 2), the building height restrictions (Section 3), and the imposition of user's fees (Section 4). This ordinance redefines the boundaries of the core and buffer zones of Paoay Heritage District. Although UNESCO referred back to the Philippine government (as State Party) the proposed core and buffer zones for a clarification on the addition of the ruins as part of the core component, it seems favorable to the shared buffer zone for the Church of Paoay as stated in the report. "The

shared buffer zone surrounding both components covers an area of 13.86 hectares. Its delimitation appears sufficient to provide adequate protection for the existing property of this serial component.”¹⁴

THE LOCAL ORDINANCE ON HERITAGE PRESERVATION IN THE MUNICIPALITY OF MIAGAO

Miagao, Iloilo, is a first-class municipality with a population of 64,545 inhabitants and a land area of 15,680 hectares.¹⁵ The Church of Miagao (the Church of Sto. Tomas de Villanueva in Miagao) was declared a National Historical Landmark in 1973 by virtue of PD 260. More than sixteen years after the 1993 UNESCO declaration, the Municipality of Miagao came up with a local legislation on heritage preservation within its territorial jurisdiction.

On 23 June 2010, the Sangguniang Bayan of Miagao enacted Ordinance No. 03 series of 2010: “An ordinance providing for the protection and preservation of heritage and tourism sites and landmarks within the Municipality of Miagao, and providing funds therefor.”¹⁶ The 2010 ordinance was approved by Municipal Mayor Julieta N. Flores on 13 July 2010. On 26 December 2011, the Municipality of Miagao unanimously adopted Resolution No. 2011-079: “Resolution authorizing the conduct of a survey by the National Mapping and Resource Information Authority (NAMRIA) to determine the actual boundary of the core and buffer zones of the Miagao Church based on the area proposed by the municipality.” The 2011 resolution was attested and certified to be duly adopted by Municipal Vice-Mayor Jose Rey N. Noble. The Municipality of Miagao’s Municipal Ordinance No. 2010-03 and Municipal Resolution No. 2011-079 are the complementing legislations concerning the core and buffer zones of Miagao Church. The

Church of Miagao has a core zone with a total land area of 9,209 square meters and a buffer zone of 299,443 square meters.¹⁷

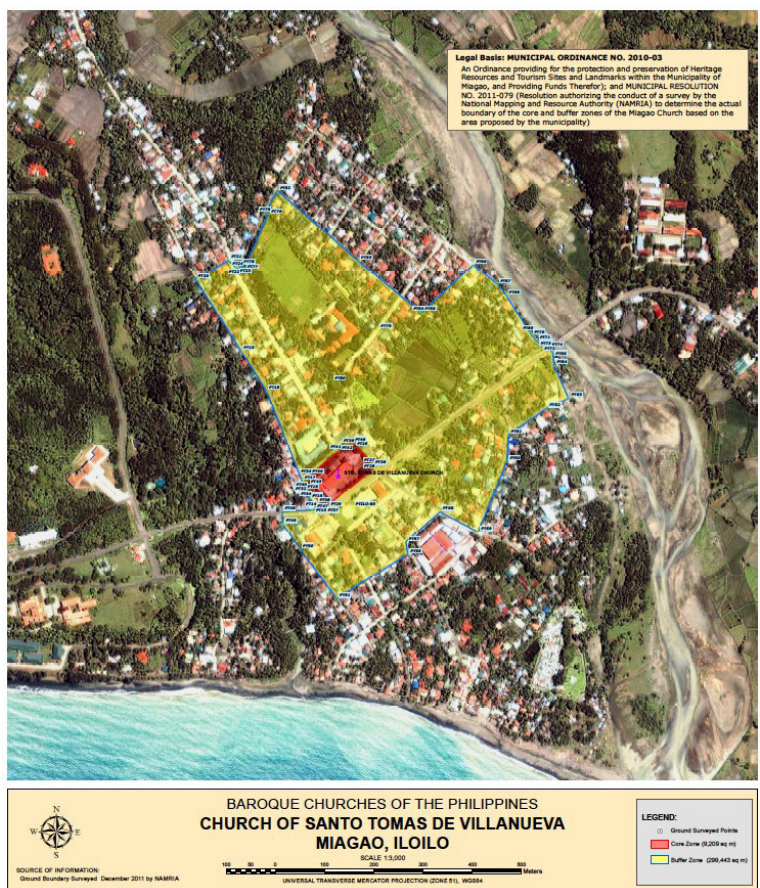


Figure 2. Map of the core and buffer zones of the Church of Santo Tomas de Villanueva in Miagao, Iloilo (NAMRIA, 2011)

The 2010 ordinance consists of six articles as follows: Article I, Title, Purpose and Intent; Article II, Legal Framework and Definition of Terms; Article III, The Local Heritage Review Board; Article IV, Inventory, Procedures, and Incentives; Article

V, Miscellaneous and Penal Provisions; and Article VI, Final Provisions.

This ordinance intends to preserve and protect heritage resources within the municipality that contribute to Miagao's historical development, distinctive character, economic value, tourism, and improved quality of life.¹⁸ It created a Local Heritage Review Board (Article III) to take initiatives in the inventory of heritage resources based on defined criteria, raise community awareness, and serve as the municipality's main resource on matters of history and heritage planning, protection, and preservation.¹⁹ It provides for a review-and-permit process involving the demolition or major alteration of a property listed in the inventory (Article IV, Sections 6 and 7). It provides affected property owners incentives, such as financial assistance and tax credits (Article IV, Section 9). It has a special provision concerning height restrictions (Section 10) for buildings within one hundred meter radius from the Church of Miagao premises. "There shall be no construction, erection of buildings or structure higher than 15 meters from the ground line of the Miagao Church, within 100 meters radius from the church premises."²⁰

The 2011 resolution defines the boundaries of the core zone of the Church of Miagao, and its buffer zone. However, UNESCO referred back to the Philippine government (as State Party) the proposed buffer zone and sought some clarifications as follows:

The boundaries of the serial component of the Church of Santo Tomas de Villanueva in Miagao, Iloilo, remain unchanged at 0.92 hectare. The buffer zone surrounding the site provides adequate protection in three directions within an area of 29.94 hectares. However, no buffer zone is proposed towards the south-west of the property and the rationale for the lack of buffer zone in this area

has not been given in the documentation provided by the State Party. ICOMOS considers that it would be desirable to establish a buffer zone which surrounds the property in all directions and thereby can offer adequate protection from all potential negative—including visual—impacts.²¹

In line with the intent of the special provision of the 2010 ordinance, it should have provided at the very least one hundred meters of buffer zone on the Southwest of the core zone. It is logical to establish a buffer zone a bit symmetrical in layout as it will adequately protect the Church of Miagao from potential adverse impacts on all directions.

LOCAL ORDINANCES ON HERITAGE PRESERVATION IN THE MUNICIPALITY OF SANTA MARIA

Santa Maria, Ilocos Sur, is a third-class municipality with a population of 28,597 inhabitants and a total land area of 6,331 hectares.²² The Church of Santa Maria (the Church of Nuestra Señora de la Asunción) was declared a National Historical Landmark in 1974 with the issuance of PD 375, which amended Section 2 of PD 260.²³ The Municipality of Santa Maria in Ilocos Sur enacted Municipal Ordinance No. 01 Series of 2012 on 11 January 2012. The ordinance is otherwise known as “An ordinance establishing the Santa Maria Heritage District, adopting a development plan therefore, and providing rules and regulations for its implementation and operation.”²⁴ Municipal Ordinance No. 01-2012 was adopted as the complementary local legislation concerning the core and buffer zones of the Church of Santa Maria. The Church of Santa Maria has a core zone with a total land area of 23,579 square meters, and a buffer zone of 268,286 square meters.²⁵

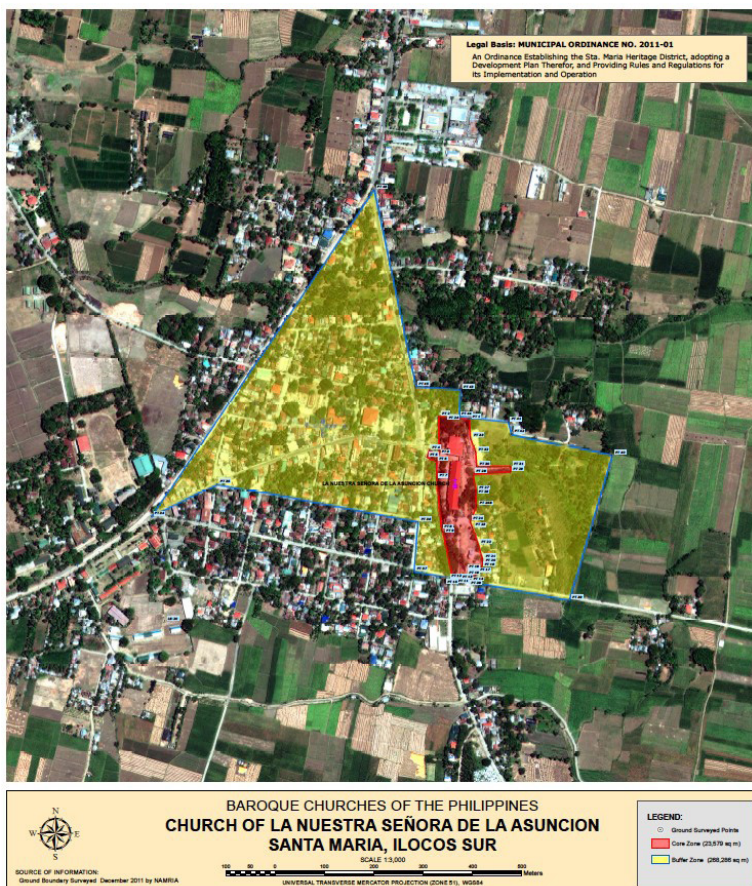


Figure 3. Map of the core and buffer zones of the Church of La Nuestra Señora de la Asuncion in Santa Maria, Ilocos Sur (NAMRIA, 2011)

The 2012 ordinance is composed of four articles: Article I, Establishment of the Heritage District and Definitions; Article II, Statement of Policies and Policy Guidelines; Article III, Administration and Enforcement; and Article IV, Final Provisions.

Similar to Paoay's 2002 ordinance, the main purpose of this 2012 ordinance is to establish a heritage district within the municipality with the Church of Santa Maria forming part of the

core. This ordinance intends to maintain a center of government, religion, education, community development, and commerce that also serves as a viable tourism zone. It states general land-use policies and allowed and disallowed use in the core and buffer zones. It created the Santa Maria Heritage District Council for the administration and enforcement of the ordinance. It created a Design Review Board (Section 9). The boundaries of the core and buffer zones were established. However, UNESCO referred back to the Philippine government (as State Party) the proposed buffer zone and sought some clarifications as follows:

Previously slightly larger parts of the historic cemetery and the surrounding green slopes have been excluded from the boundaries. The expanded area extends to the south but no justification was provided for the new inclusions. The area covered by the newly proposed boundaries amounts to 2.36 hectares while the exact size of the previously inscribed area is unclear due to its schematic delimitation on an out-of-scale map sketched in 1993.²⁶

The State Party also proposes boundaries for a buffer zone which has been established and which includes significant parts of the surrounding historic city including the new and old central markets. Whilst this buffer zone seems to offer adequate protection towards the east and west, no buffer zone surrounds the property boundaries towards the north and south and the rationale for this unbalanced buffer zone distribution has not been given in the documentation provided. ICOMOS recommends that a buffer zone should provide protection from all directions and should accordingly be expanded north- and southwards for the property component.²⁷

It is but logical to provide a buffer zone a bit symmetrical in layout, which allows adequate protection from all directions.

DISCUSSION

At the time of the inscription of the Baroque Churches of the Philippines twenty years ago, their buffer zones were undefined. The buffer zone is considered an efficient management tool for the protection of World Heritage properties. In 2012, the cartographic maps reflecting the identified core and buffer zones of the four Baroque churches located in the historic districts of Paoay, Santa Maria, Manila, and Miagao were completed and officially transmitted to UNESCO. The recent delineation of buffer areas for the Baroque churches of the Philippines were based on the complementing local legislation that hopes to provide an added layer of protection to the core of the World Heritage property.²⁸

The common main underlying purpose of local ordinances on heritage preservation in the three municipalities is the architectural intent to establish a district that serves as a buffer or transition zone to address potential threats that may adversely affect the outstanding universal value of the Baroque churches of the Philippines. Physical development is restricted and regulated through the municipalities' respective Heritage/Design Review Boards. There are land-use policies, which allowed and disallowed uses within the buffer zones. Both Paoay and Miagao have height restrictions for buildings within the buffer zones. Incentives to encourage heritage preservation vary among the three municipalities, and are not well established. In the case of Miagao, it provides tax credits and financial assistance, while Paoay imposes fees and tax levies to generate revenues for a special Heritage District Fund. The legislations

reflect the municipalities' valuation of heritage preservation, economic development, and improved quality of life in their planning efforts for their respective territorial and administrative jurisdictions.

The local ordinances on heritage preservation reflect the success of the national government in encouraging the active involvement of local communities as important stakeholders in the consultative processes of urban planning and local governance. However, these planning efforts need to be further strengthened and sustained through the formulation of the comprehensive land use plan (CLUP) enacted into a zoning ordinance that covers a wider time horizon.

The CLUP may cover a minimum period of ten years, and serves as the framework for all the other plans of the LGUs.²⁹ The CLUP and zoning ordinance should be periodically reviewed as deemed appropriate by LGUs to ensure the attainment of the municipalities' planned development goals and objectives.³⁰ The review of the CLUP and zoning ordinance should be an opportunity to incorporate the suitable guidelines, policies, and standards set by the NHCP concerning the conservation of historic centers and heritage zones.³¹ The preexisting heritage conservation plans for the municipalities (as in the case of the 1999 Paoay Heritage District Master Plan) should be integrated in the crafting of an updated CLUP. Disaster risk reduction should be integrated in these plans, especially within the zones of the municipalities where built heritage are situated.³²

Local legislations should reflect how we could best implement heritage conservation endeavors in an all-inclusive approach to ensure that our towns and cities remain sustainable and meaningful loci of our history and culture.

NOTES

- 1 National Historical Commission of the Philippines (NHCP), “List of Declared Historic Sites and Structures by Region,” accessed 14 September 2014, <http://nhcp.gov.ph/wp-content/uploads/2012/10/List-of-Declared-Sites-Structures.pdf>. As of 12 December 2011, the NHCP (formerly the National Historical Institute) has identified and declared 203 historic sites and structures throughout the archipelago as either National Shrine, National Historical Landmark, National Historical Site, National Monument, or Heritage House.
- 2 Section 16 of RA 7160, General Welfare.
- 3 UNESCO World Heritage Center (WHC), “8E. Adoption of the Retrospective Statements of Outstanding Universal Value,” adopted at its thirty-sixth session, Saint Petersburg, Russian Federation, 24 June–6 July 2012, 127, accessed 5 September 2013, <http://whc.unesco.org/archive/2012/whc12-36com-8Ee.pdf>.
- 4 Ibid.
- 5 United Nations, “The Future We Want,” resolution adopted by the General Assembly [without reference to a Main Committee (A/66/L.56)] 66/288, 2012, 26, accessed 5 September 2013, http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/288&Lang=E.
- 6 Bernard M. Feilden and Jukka Jokilehto, *Management Guidelines for World Cultural Heritage Sites* (Rome: ICCROM, 1993), 79.
- 7 Ibid.
- 8 Ibid.

- 9 Philippine Statistics Authority–National Statistical Coordinating Board, “Ilocos Norte,” accessed 27 July 2014, <http://www.nscb.gov.ph/activestats/psgc/province.asp?provcode=012800000>.
- 10 Presidential Decree 260, 1 August 1973.
- 11 Municipality of Paoay, Paoay Municipal Ordinance 2002-08, 20 November 2002.
- 12 Municipality of Paoay, Paoay Municipal Ordinance 2011-04, 29 November 2011.
- 13 National Mapping and Resource Information Authority (NAMRIA), “Baroque Churches of the Philippines: Church of San Agustin, Paoay, Ilocos Norte,” topographic line map, 2011.
- 14 UNESCO World Heritage Centre, “Addendum Evaluations of Nominations of Cultural and Mixed Properties,” ICOMOS Report for the World Heritage Committee, 37th Ordinary Session, Phnom Penh, June 2013, 40, accessed 29 July 2014, <http://whc.unesco.org/archive/2013/whc13-37com-8B1infAdd-en.pdf>.
- 15 Philippine Statistics Authority–National Statistical Coordinating Board, “Iloilo,” accessed 27 July 2014, <http://www.nscb.gov.ph/activestats/psgc/province.asp?provcode=063000000®Code=06®Name=REGION+VI+%28Western+Visayas%29>.
- 16 Municipality of Miagao, Miagao Ordinance No. 03 of 2010, 23 June 2010.
- 17 NAMRIA, “Baroque Churches of the Philippines: Church of Santo Tomas de Villanueva, Miagao, Iloilo,” topographic line map, 2011.
- 18 Municipality of Miagao, Miagao Ordinance No. 03 of 2010, Article I.
- 19 Ibid., Article III, Section 5.

- 20 Ibid., Article IV, Section 10.
- 21 UNESCO World Heritage Centre, “Addendum Evaluations of Nominations,” 41.
- 22 Philippine Statistics Authority–National Statistical Coordinating Board, “Ilocos Sur,” accessed 27 July 2014, <http://www.nscb.gov.ph/activestats/psgc/province.asp?provcode=012900000®Code=01®Name=REGION+I+%28Ilocos+Region%29>.
- 23 Presidential Decree 375, 14 January 1974.
- 24 Municipality of Santa Maria, Municipal Ordinance No. 01 Series of 2012, 11 January 2012.
- 25 NAMRIA, “Baroque Churches of the Philippines: Church of La Nuestra Señora de la Asuncion, Santa Maria, Ilocos Sur,” topographic line map, 2011.
- 26 UNESCO World Heritage Centre, “Addendum Evaluations of Nominations,” 40.
- 27 Ibid.
- 28 UNESCO, “8E. Adoption of the Retrospective Statements.”
- 29 Department of the Interior and Local Government (DILG) and Housing and Land Use Regulatory Board (HLURB), Joint Memorandum Circular No. 001 Series of 2009, 19 October 2009.
- 30 Ibid.
- 31 National Historical Commission of the Philippines (NHCP), “Guidelines, Policies, and Standards for the Conservation and Development of Historic Centers/Heritage Zones,” accessed

14 September 2014, <http://nhcp.gov.ph/conservation-and-development-of-historic-centersheritage-zones/>.

- 32 Arnulfo F. Dado, "Building Maintenance and Disaster Response Strategies: The Philippine Architectural Heritage," in *Cultural Emergency in Conflict and Disasters*, ed. G. Frerks and B. K. Goldwijk, 266–83 (Rotterdam: NAI Publishers and Prince Claus Fund, 2011).

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