



QUEZON CITY COUNCIL

Quezon City

16th City Council

75th Regular Session

ORDINANCE NO. SP-1742, S-2006
(PO2006-171)

AN ORDINANCE REQUIRING ARCHAEOLOGICAL SITE CERTIFICATION PRIOR TO ANY FORM OF DIGGING, EXCAVATION OR GROUND PREPARATION FOR ANY BUILDING, CONSTRUCTION, RENOVATION, ROAD AND WATERWORKS PROJECT.

Introduced by Councilors JULIAN M.L. COSETENG, BERNADETTE HERRERA-DY, ELIZABETH A. DELARMENTE, VICTOR V. FERRER, JR., ROMMEL R. ABESAMIS, JOSEPH P. JUICO, WINSTON "Winnie" T. CASTELO, RAMON P. MEDALLA, JORGE B. BANAL, JR., FRANZ S. PUMAREN, EDCEL B. LAGMAN, JR., ANTONIO E. NTON, JR., ALMA F. MONTILLA, RESTITUTO B. MALAÑGEN and XYRUS L. LANOT.

WHEREAS, Section 458 (5) (viii) of Republic Act No. 7160, as amended, authorizes the Sangguniang Panglungsod to "regulate the drilling and excavation of the ground for the laying of water, gas, sewer and other construction, repair and maintenance of public drains, sewers, cesspools, tunnel and similar structures";

WHEREAS, drillings, diggings or excavations are properly regulated by the City Engineering Department to ensure public order and safety and compliance with excavation and installations plans, reviewed and approved by the City Engineer;

WHEREAS, there are instances that these diggings or excavations are oblivious to the effects and impact on the pre-historical and historical artifacts which may have been deposited in the subsoil.

NOW, THEREFORE,

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

SECTION 1. SHORT TITLE. This ordinance shall be known and referred to as the "Quezon City Archaeological Preservation Ordinance."

SECTION 2. DECLARATION OF POLICY. It is the policy of the City government to:

2.1. Promote and conserve the archaeological resources and heritage of Quezon City;

2.2 Ensure that archaeological sites, previously identified and/or accidentally discovered, are assessed according to existing archaeological standards and conducted by qualified persons;

2.3 Enrich the pre-historic, historic, cultural and heritage value of Quezon City.

SECTION 3. DEFINITION OF TERMS. Unless otherwise defined, the following terms shall mean and be construed, as follows:

3.1 Archaeological Site – any place which may be underground or on the surface, underwater or at the sea level which contains fossils, artifacts and other cultural, geological, botanical, zoological materials which depict and document evidence of paleontological, pre-historic and historical events.

3.2 Diggings – any act of boring or digging of holes, pits and trenches over the surface of the soil.

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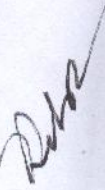
3.3 Excavation - the systematic uncovering, digging out or disturbance of dirt, earth or soil for the retrieval, removal or recovery of pre-historic, historical artifacts or other material of anthropological, archaeological, historical or cultural value.

3.4 Site Survey - the assessment of land, the subsoil or riverbeds to determine its significance or value as an archaeological site.

SECTION 4. ARCHAEOLOGICAL IMPACT ASSESSMENT (AIA) AND CERTIFICATION REQUIREMENT. In addition to the submission of engineering, electrical, mechanical, architectural and other construction and installations plans, an Archaeological Impact Assessment, issued by the National Museum of the Philippines is hereby required as a condition precedent, for submission to the Environmental Management Bureau, Department of Environment and Natural Resources, prior to the issuance of any building or renovation permit, including permits for road or waterworks.

Applicants for new building permits, including road and waterworks projects must also secure a certification from the National Museum of the Philippines with regard to the archaeological significance of the land affected or area affected by the proposed project.

SECTION 5. EXEMPTION FROM THE AIA. Except new road and waterworks, and renovation of other vertical structures, where earthwork or the disruption of the ground or earth has been previously conducted, the requirement of an AIA under the provisions of Section 4 hereof shall be waived.

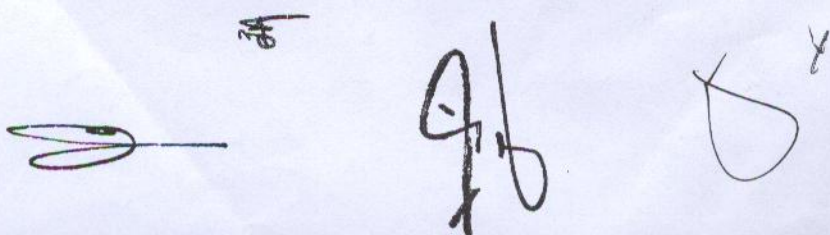


SECTION 6. IDENTIFICATION OF ARCHAEOLOGICAL SITE; EFFECT OF. In the course of any digging or excavation, the identification or discovery of an archaeological site, whether intentional or accidental, within the territorial jurisdiction of Quezon City shall ipso facto hold in abeyance any proposed construction or building project by tacking the effectivity period of the validly issued excavation permit, until its full completion.

SECTION 7. DISCOVERY OF ARTIFACTS; OWNERSHIP, CURATION AND CUSTODY. In accordance with the provisions of RA 4846, as amended by PD 374 and RA 8492, the National Museum of the Philippines shall have full authority over curation, management and custody of all cultural and archaeological materials recovered in archaeological assessment activities and extensive scientific excavations conducted within the territorial jurisdiction of Quezon City.

Provisions of existing laws, rules and regulations notwithstanding, fossils, artifacts and other cultural, geological, botanical zoological materials which depict and document evidence of paleontological and pre-historic, as well as historic events of Quezon City which may hereinafter be discovered within the territorial jurisdiction of Quezon City shall pertain and accrue to the benefit of the Quezon City Museum.

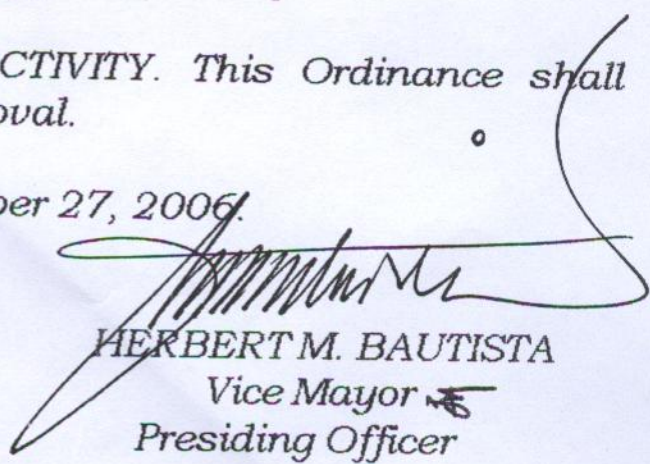
The City Mayor is hereby authorized to enter into Memorandums of Agreement with the National Museum of the Philippines, government agencies, the Guild of Archaeologists of the Philippines (Katipunan ng mga Arkeolohista ng Pilipinas, Inc. or KAPI) and private persons affected by the provisions of this Ordinance with regard to the custody, protection and preservation of all discovered, retrieved and removed fossils, artifacts and other cultural, geological, botanical, zoological materials.

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SECTION 8. IMPLEMENTING RULES AND REGULATION. In coordination with the National Museum of the Philippines and the KAPI, the City Planning and Development Office, Engineering Department and the Environmental Management Bureau (EMB) of the Department of Environment and Natural Resources (DENR) shall issue the Implementing Rules and Regulations of this Ordinance within a period of thirty (30) working days from approval hereof.

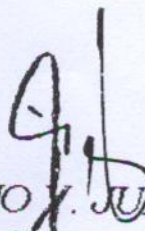
SECTION 9. EFFECTIVITY. This Ordinance shall take effect upon its approval.

ENACTED: November 27, 2006.




HERBERT M. BAUTISTA
Vice Mayor
Presiding Officer

ATTESTED:



EUGENIO X. JURILLA
City Secretary

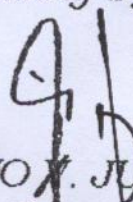
APPROVED: January 12, 2007



FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on November 27, 2006, was finally PASSED on Third/Final Reading by the City Council on December 4, 2006.



EUGENIO X. JURILLA
City Secretary