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Republic of the Philippines
Province of Cebu
SANGGUNIANG PANLALAWIGAN
Cebu Capitol, Cebu City

Tenth SP 41st Session

EXCERPT FROM THE MINUTES OF THE 37TH REGULAR SESSION HELD BY THE SANGGUNIANG PANLALAWIGAN OF CEBU, IN ITS SESSION HALL, LEGISLATIVE BUILDING, CAPITOL COMPOUND, CEBU CITY ON NOVEMBER 7, 2005.

PRESENT:

Hon. Gregorio G. Sanchez, Jr.	**Presiding Officer/Vice-Governor**
Hon. Raul D. Bacaltos	Majority Leader
Hon. Juan V. Bolo	Sanggunian Member
Hon. Antonio A. Almirante, Jr.	Sanggunian Member
Hon. Carmiano 'Cary' A. Kintanar	Sanggunian Member
Hon. Victoria G. Corominas	Sanggunian Member
Hon. Estrella P. Yapha	Sanggunian Member
Hon. Jose Ma. C. Gastardo	Sanggunian Member
Hon. Agnes A. Magpale	Sanggunian Member
Hon. Rose Marie D. Durano	Sanggunian Member
Hon. Victor A. Maambong	Sanggunian Member
Hon. Ramon Martin G. Calderon	Sanggunian Member (PPSK)

SICK LEAVE:

Hon. Joven S. Mondigo	Presiding Officer Pro Tempore
Hon. Gabriel Luis R. Quisumbing	Sanggunian Member

ON OFFICIAL BUSINESS:

Hon. Alfred Francis M. Ouano	Sanggunian Member (PCL)
Hon. Teresita D. Celis	Sanggunian Member (FABC)

RESOLUTION NO. 4443-2005

AUTHORS : HON. VICTOR A. MAAMBONG , ET. AL.
CO-AUTHORS: ALL OTHER SP MEMBERS PRESENT

WHEREAS, it is the avowed policy of the Constitution that "The State shall conserve, protect, and popularize the nation's history and cultural heritage and resources, as well as artistic creations"; further, "all the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the protection of the State which may regulate its disposition";

WHEREAS, the Province of Cebu is rich with historical and heritage sites built by the blood, tears, and sweat of our forebears. These sites include but not limited to churches, forts, garrisons, watchtowers or ***bantayan sa hari***, battle grounds, historical buildings, shrines, landmarks, monuments and sites imbued with and impressed with historical and heritage importance;

WHEREAS, the Provincial Capitol Building constructed on June 27, 1936 and completed during the term of then Governor Buenaventura Rodriguez and ultimately inaugurated on June 14, 1938 is one such historical and heritage site;

p.t.o./

WHEREAS, since its construction, it has long been a mute but eloquent witness to great historical events that have molded the political, social and economic profile of the province including, among others, the decisive liberation of Cebu from the clutches of its Japanese captors thereby marking the end of World War II and the oath taking of ***Her Excellency, Gloria Macapagal-Arroyo*** as the 14th President of the Republic on June 30, 2005 at its grounds;

WHEREAS, the foregoing premises underscore the pressing necessity of enacting a legislative measure formally recognizing and declaring the historical marvel and significance of the Cebu Capitol Building and other historical and heritage sites for posterity and providing for adequate and responsive measures whereby the structural integrity of the same may be preserved and protected including its beautification, improvement and gainful utilization and the perpetuation of its historical importance;

NOW, THEREFORE, on motion of Members, **HON. VICTOR A. MAAMBONG, HON. JOHN V. BOLO, HON. ROSE MARIE D. DURANO** and **HON. AGNES A. MAGPALE,** and adopted as on **MASS MOTION** by all the Members of this Body present, duly seconded by the same , be it,

RESOLVED to enact, as it is hereby **ENACTED** the following:

ORDINANCE NO. 2005-20

"PROVIDING A MECHANISM FOR THE DECLARATION OF PROVINCIAL HISTORICAL AND/OR HERITAGE SITES AND DECLARING THE PROVINCIAL CAPITOL AS SUCH HISTORICAL AND HERITAGE SITE AND FOR OTHER PURPOSES"

The **Sangguniang Panlalawigan of Cebu** hereby **ORDAINS**, that:

SECTION 1. TITLE - This Ordinance shall be known and cited as the "***CEBU HISTORICAL AND HERITAGE SITE ORDINANCE OF 2005***"

SECTION 2. DECLARATION OF POLICY. – It is the declared policy of the Province of Cebu pursuant to the avowed Constitutional policy that "***The State shall conserve, promote, and popularize the nation's history and cultural heritage and resources, as well as artistic creations***"; further, ***"all the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the protection of the State which may regulate its disposition***", it is hereby the declared solemn policy of the Province of Cebu that the Capitol building, in view of its historical significance, vows to uphold and promote the historical marvel and significance of the Cebu Capitol Building for posterity and for this purpose, providing for adequate and responsive measures whereby the structural integrity of the same may be preserved and protected including its beautification, improvement and gainful utilization and the perpetuation of its historical importance.

SECTION 3. DEFINITION OF TERMS –

a.) Historical Site – is any place in the province, city, town, barangay and/or any location and structure which has played a significant and important role in the history of the province. Such significance and importance may be cultural, political, sociological or historical.

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b.) Heritage Site – any place, structure which has played a significant role in the history of Cebu or certain locality of the province.

c.) Historical buildings – any structure, edifice, complex or immovable property, public or otherwise, that is imbued and impressed with historical and heritage as determined by the Sanggunian.

c.) Petition – a written application submitted to the Sanggunian in sufficient form and substance praying that the subject thereof be declared as a historical or heritage site of the Province of Cebu.

d.) Public hearing - a proceeding or inquiry whereby the public, concerned individuals and important and relevant personalities are invited for an exhaustive and purposeful deliberations and debates relative to the subject of the petition.

SECTION 4. MECHANISMS FOR DECLARATION OF HISTORICAL AND HERITAGE SITES – Persons, Non-Government Organizations (NGOs), People's Organizations (POs), foundations and other interest groups actively engaged in the preservation and promotion of history and heritage of Cebu, barangays, municipalities, component cities of the province, may, through an appropriate petition, request the Sangguniang Panlalawigan of Cebu for the declaration of historical or heritage site that is the subject of the petition.

Upon receipt of the said petition, the same shall be referred to the Committee on Arts and Culture for the latter to conduct a study to establish the veracity and merits of the petition. In its discretion, or as may be warranted by circumstances, a public hearing may be conducted by the committee. In all cases, the period for study and public hearing shall not exceed more than thirty (30) days from the date of referral.

After the study and/or public hearing, the Chairman of the committee shall prepare a report embodying its findings and recommendations. The report shall be submitted to the Sangguniang Panlalawigan.

The Sanggunian, after due deliberation, shall either adopt or reject the findings and recommendations of the report taking into consideration the endorsement of local legislative bodies, non-government organizations, people organizations, other interest groups as well as experts on the matter.

SECTION 5. DECLARATION OF HISTORICAL OR HERITAGE SITE – Should the Sangguniang Panlalawigan conclude that the findings and recommendations are in order, tenable, and support the declaration of a historical or a heritage site, the petition shall be granted and the subject thereof be declared as such through an appropriate resolution.

SECTION 6. CEBU CAPITOL AS HISTORICAL AND HERITAGE SITE - By virtue of this Ordinance, the Cebu Provincial Capitol is hereby declared a historical and heritage site of Cebu.

SECTION 7. MANDATORY PROVISIONS – in view of the declaration in the immediately preceding paragraph, the following are hereby mandatory provisions of this ordinance, to wit:

p.t.o./

a.) In view of the declaration in Section 4, the Cebu Provincial Capitol shall be under the auspices of Cebu Provincial Tourism and Heritage Council and/or any foundation established for the purpose by the Province. The same shall be responsible for the formulation and recommendation of such measures designed to preserve, enhance, and promote the policy of this ordinance which shall include, but shall not be limited to, the preservation, restoration and/or enhancement of the structural integrity of the Capitol building.

b.) Enforcement and implementation of policies and programs relating to the preservation and enhancement of the Provincial Capitol building shall be under the supervision of the Provincial Tourism and Heritage Council.

SECTION 7. EFFECTIVITY - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper and posting required under Section 511 of Republic Act 7160, otherwise known as the Local Government Code of 1991.

ENACTED AND CARRIED ON MASS MOTION.

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I hereby certify to the correctness of the afore-quoted resolution.

ANECITA G. PASAYLO
Provincial Secretary

ATTESTED:

GREGORIO G. SANCHEZ, JR.
Vice-Governor/ Presiding Officer

NOV 2 5 2005

APPROVED, JAN 02 2006

GWENDOLYN F. GARCIA
Provincial Governor

COPY FOR:
All municipalities and component cities
Province of Cebu

COPY FURNISHED:
Hon. Governor Gwendolyn F. Garcia
Hon. Vice-Gov. Gregorio G. Sanchez, Jr.
Hon. Victor A. Maambong

AGP/cob/erna/noa/110905