

FILE

A-113-A
Provincial Ordinance

Republic of the Philippines
PROVINCE OF BENGUET

La Trinidad
OFFICE OF THE SANGGUNIAN PANLALAWIGAN

REGULAR MEETING, February 7, 2001

PRESENT: HON. ROBERT M. TINDA-AN, Vice Governor, Presiding Officer
HON. MARVIN D. ATOS, Board Member
HON. LISO L. AGPAS, Board Member
HON. FRANCISCO E. GOLINGAB, JR., Board Member
HON. FERNANDO M. ARITAO, Board Member
HON. MANUEL C. CUILAN, Board Member
HON. DANIO L. BOLISLIS, Board Member
HON. ALBERT D. MAYAMNES, Board Member
HON. SARIO M. COPAS, Board Member
HON. CONCEPCION D. BALAO, PCL President, Member
HON. BONY L. TACIO, Liga ng mga Barangay President, Member
HON. REDENTOR P. EDOC, SKF President, Member

ABSENT: NONE

PROVINCIAL ORDINANCE NO. 01-69

AN ORDINANCE PROHIBITING AND PENALIZING THE
WITHDRAWAL AND POSSESSION OR TRANSPORTATION OF
ANY MUMMY AWAY FROM ITS BURIAL SITE

EXPLANATORY NOTE

"WHEREAS, the mummies in Benguet are considered cultural properties and treasures not only of the people of Benguet but of the Filipino people as well. The constitution provides that "all the country's artistic and historic wealth constitutes the treasure of the nation and shall be under the protection of the State which regulates its disposition" (Section 16, Art. XIV, Constitution). Our Constitution further assures that "the State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions" (Section 16, Art. XIV, Constitution). This is reiterated in the Indigenous Peoples Rights Act of 1997 (Sec. 29, RA 8371). The said law further provides:

Sec. 33. Rights to Religious, Cultural Sites and Ceremonies. –
ICCs/Ips shall have the right to manifest, practice, develop and teach their
spiritual and religious traditions, customs and ceremonies; the right to
maintain, protect and have access to their religious and cultural sites; the
right to use and control of ceremonial objects; and the right to the
repatriation of human remains. Accordingly the State shall take effective

2

1

2

3

4

5

6

7

measures, in cooperation with the ICCs/Ips concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected and protected. To achieve this purpose, it shall be unlawful to:

- a) Explore, excavate or make diggings on archaeological sites of the ICCs/Ips for the purpose of obtaining materials of cultural values without the free and prior informed consent of the community concerned; and
- b) Deface, remove or otherwise destroy artifacts which are of great importance to the ICCs/Ips for the preservation of their cultural heritage.

WHEREAS, Presidential Decree No. 260 declares, in its preamble, that in consonance with the enunciated principle in the 1973 Constitution that "Philippine culture shall be preserved and developed for national identity", the mummy caves of Kabayan, this province, a National Cultural Treasure pursuant to Republic Act No. 4846 as amended under PD 374 which defines cultural properties and treasures;

WHEREAS, initial findings of the National Museum disclose that there are several caves, not only in Kabayan, but also in Kibungan, Bakun, Mankayan, and perhaps in other places in Benguet, where mummies are presently kept in their preserved state. Benguet Province is one of the few places in the world that practiced the art and technique of preserving the human remains in mummified form before they were kept at their resting places. This ancient practice speaks eloquently of the rich cultural heritage of the ancestors of Benguet. These mummies are now the cultural treasures of the people of Benguet, in particular, and the Filipino people, in general.

WHEREAS, these cultural treasures have long been the subject of looting. Some of them have in fact been stolen from their caves and sold as collector's items. Only a few have been returned so far, and the famous mummy Anno is one of the lucky mummies that has returned to his resting place. Many more have yet to be recovered.

WHEREAS, it is therefore imperative that this cultural treasures of Benguet should be preserved at their burial sites to enable the local government units, in coordination with the proper agencies, to undertake efforts towards their preservation and protection. This measure is conceived to impart added force and vigor to the existing laws.

Now, therefore On motion duly seconded,

A collection of handwritten signatures and initials in blue and black ink, located at the bottom of the page below the text "Now, therefore On motion duly seconded,". The signatures vary in style, with some being more formal and others more stylized or scribbled.

**BE IT ORDAINED BY THE SANGGUNIANG PANTALAWIGAN IN
SESSION ASSEMBLED, THAT:**

Section 1. It is prohibited for any person to remove or withdraw any mummy or coffin from its burial site or cave, or to possess it anywhere else away from its burial site or cave. Any person found guilty of violating this provision shall be punished with one (1) year imprisonment or a fine of FIVE THOUSAND PESOS (P5,000.00) or both such fine and imprisonment in the discretion of the Court.

Section 2. Officials and employees acting under lawful orders are exempted from the application of the foregoing section.

Section 3. Any descendant of the mummy, no matter how remote, may secure a permit from the mayor of the municipality where the burial cave or site is located for the purpose of temporarily removing the said mummy therefrom in order to perform a customary and cultural ritual for any purpose: Provided, that the descendant requesting the permit shall immediately return the mummy to its burial site or cave after the customary and cultural ceremony.

Section 4. Any person found in possession of any mummy out of a burial site or cave shall be presumed to have taken such mummy from any burial site or cave in the Province of Benguet.

Section 5. Any person found guilty of violating this Ordinance shall also pay civil liability to the nearest descendant of the mummy, or in case there be none, to the Municipality where the resting place of the mummy is located or found, sufficient enough to cover all expenses to be incurred in the performance of the necessary customary ritual for the return of the mummy to its resting place or for its safekeeping, if its resting place could not be ascertained.

Section 6. This Ordinance shall take effect after fifteen days (15) after due publication.

APPROVED,"


MARVIN D. ATOS
Board Member



LISOL AGPAS
Board Member








Provincial Ordinance No. 01-69 dated February 7, 2001
of the Sangguniang Panlalawigan of Benguet
La Trinidad


Page No. 4



FRANCISCO E. GOLEGAB, JR.
Board Member



FERNANDO M. ARITAO
Board Member

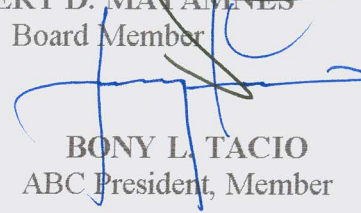

MANUEL C. CUILAN
Board Member


DANILO L. BOLISLIS
Board Member


ALBERT D. MAY AMNES
Board Member

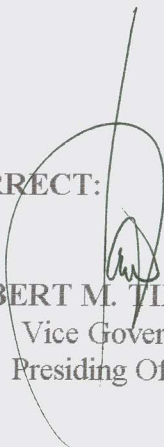

SARIO M. COPAS
Board Member


CONCEPCION D. BALAO
PCL President, Member


BONY L. TACIO
ABC President, Member


REDENTOR P. EDOC
SKF President, Member

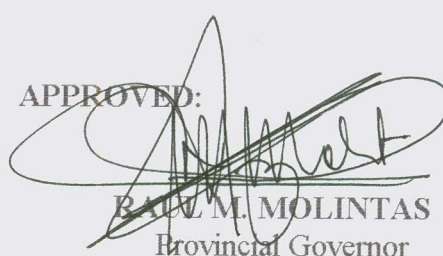
CERTIFIED CORRECT:


ROBERT M. TINDA-AN
Vice Governor
Presiding Officer

ATTESTED:


NOEL S. SABOG
Sangguniang Panlalawigan Secretary

APPROVED:


RAUL M. MOLINTAS
Provincial Governor

Date: **15 FEB 2001**

/francis