

The Scope and Limitations of Legal Instruments on Cultural Property in the World Heritage City of Vigan, Philippines

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Abstract

The World Heritage City of Vigan, Philippines was inscribed in the list of World Heritage Sites in 1999 under criteria (ii) and (iv) of the Operational Guidelines, after its first submission in 1989 was rejected by the World Heritage Committee. The heritage of the city is now sufficiently protected by eight legal instruments, four enacted at national level and another four at local level. However, these instruments have limited scope and limitation and, if not rectified, will not be able to safeguard the heritage of the City against rapid development. Presidential Decree No. 374/1974, which has not been revised, has several weaknesses, such as in system of incentives, penalties, the broad terminology and scope of heritage as well as overlapping of tasks and responsibilities between national agencies. The main Local Ordinance No. 04/2000: An Ordinance Enacting the Preservation and Conservation Guidelines for Vigan Ancestral Houses provides solid guidance on the protection of heritage but requires revision related to Section 2 on Definition of Ancestral Houses, Sections 3-16 on Technical Guidelines, Sections 17-22 on Vigan Conservation Council and Section 24 on Penalties.

Keywords: *Cultural Property, Legal Instruments, Protections, Scope, Limitation*

The World Heritage City of Vigan

The Heritage City of Vigan in the Republic of the Philippines was inscribed as the World Heritage Site in 1999 under criteria (ii) and (iv) of Operational Guidelines¹, after its first submission to the World Heritage Committee in 1989 was rejected. Located in Ilocos Sur region in the Island of Luzon and about 480 kilometres north of the capital, Manila, Vigan was once a thriving port that attracted immigrants from all over the world. First, the Chinese came and

opened businesses in the town centre and later engaged in domestic and foreign trade with Europe, China, Japan, and other Southeast Asian countries. In 1521, the Philippines or *Felipinas* as known by the early Spanish, was founded and soon in 1572 Vigan was conquered by the Spanish. Over more than 300 years the Spanish established a colonial government in Vigan and in the Philippines as a whole, until her first independence on June 12, 1898. They established the town of Vigan according to

¹ **Criterion (ii)** : exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design.

Criterion (iv) : be an outstanding example of a type of building or architectural or technological ensemble or landscape which illustrates (a) significant stages(s) in human history.

the Spanish Law of the Indies issued in 1573, both in terms of its urban planning and architecture with a series of public plazas and regular checkerboard street pattern; as well as two-storey houses or



Figure 1: The Heritage City of Vigan. Typical scene of Vigan with houses known as Ancestral Houses lining both sides of narrow streets with horse drawn carriages.

shophouses that have a uniform design both in their planning and materials. Today, Vigan is the political, commercial, educational and religious centre north of Luzon and is the only town in the Philippines that retains the legacy of Spanish colonisation in the country and in Southeast Asia in general.

Legal Instruments on Cultural Properties

In the Philippines, as well as in other countries in the world, the duty of protecting national culture, arts and historic properties is always on the shoulders of the state, and is normally formalised by legal instruments at national level. Even though there was no provision within the Country Constitution, ratified in 1899 and revised in 1935, which related to the protection of heritage, a number of acts from the 1950s

address the issue of protection of cultural properties, nationally. For example, Republic Act No. 597/1951 declares Fort Santiago as a national heritage, Republic Act No. 4039/1964 establishes Freedom Shrine in the Municipality of Kawit, Republic Act No. 4368 /1965 establishes a National Historical Commission² and the Republic Act No. 4846/1966 (amended by Presidential Decree No. 374/1974) provides protection and preservation of cultural properties in the country. The first clear statement recognising the national importance of conserving arts, culture and historic properties and providing guidance on the ways and means of protecting heritage was included in the third amendment of the country's Constitution, ratified on 17th January, 1973 in Manila under the late President Ferdinand E. Marcos that reads:

Section 9(2)

Filipino culture shall be preserved and developed for national identity. Arts and letters shall be under the patronage of the State.

Soon in August 1973, Presidential Decree No. 260/1973 was enacted seeking to declare numerous sites in the country as national treasures. It has been continuously amended to include other sites, which are deemed as important to the country. For example, it was amended by Presidential Decree No. 756/1975 that recognises several properties in Vigan that are important to the country. In 1974 Republic Act 4846/1966 was amended by the issuance of Presidential Decree No. 374/1974 that consolidates the protection of cultural properties across the country, where it remains a principle legal instrument in the Philippines until the present day.

² Now known as the National Historical Institute (NHI).

To complement these Presidential Decrees, and to consolidate the protection of cultural properties by means of legal instruments at local level, ordinances were also enacted locally. For the Heritage City of Vigan, for example, local ordinances which relate to the protection of the city's heritage were passed by the Municipality of Vigan only in the late 1990s. These are: Ordinances No. 12/1997, No. 14/1997, No. 06/1999 and Ordinance No. 04/2000.

All the above-mentioned Presidential Decrees and Ordinances are now in effect and together, these legal instruments provide general principles, methodologies and directions of conservation for the City of Vigan as well as specific guidance for appropriate intervention such as conservation, restoration, adaptation and reconstruction of historic properties in Vigan (Table 1).

Table 1
Legal Instruments on Cultural Property that provide protection for the Heritage City of Vigan

| | | |
|----------------|------|--|
| National Level | 1973 | Presidential Decree No.260/1973Declaring The Sta. Ana Site Museum in Manila, The Roman Catholic Churches of Paoay and Bacarra in Illocos Norte, ... as National Shrines, Monuments, and/or Landmarks. Aug. 1 st , 1973. Manila, Philippines. |
| | 1974 | Presidential Decree No. 374/1974: Amending Certain Sections of Republic Act No. 4846, otherwise known as "The Cultural Properties and Protection Act". Jan 10 th , 1974. Manila, Philippines. |
| | 1975 | Presidential Decree No. 756/1975Amending Presidential Decree No. 260 to Include The Mestizo Section, The Houses of Padre Burgos and Leona Florentino in Its Scope. Jul 30 th , 1975. Manila, Philippines |
| | 1978 | Presidential Decree No. 1505/1978Amending Presidential Decree No. 260, As Amended, By Prohibiting the Unauthorised Modification, Alteration, Repair and Destruction of Original Features of All National Shrines, Monuments, Landmarks and Other Important Historic Edifices, Manila, Philippines. Jun 11 th , 1978. Manila, Philippines. |
| Local Level | 1997 | Ordinance No. 12/1997 An Ordinance Defining The Core and Buffer Zone of the Historic Town of Vigan and the Historical, Cultural, Education, Aesthetic and Economic Parameters of Its Preservation and Development. Sept. 01, 1997, Vigan, Philippines. Ordinance No.14/1997 |
| | 1997 | Ordinance Providing the Guidelines in the Conservation of the Historic Town of Vigan. Oct. 6 th , 1997, Vigan, Philippines. |
| | 1999 | Ordinance No.06/1999 An Ordinance Amending Certain Provisions of Ordinance No. 12 (1997) by Redefining the Boundaries of the Core and Buffer Zones of the Historical Town of Vigan. Aug. 30 th , 1999, Vigan, Philippines. |
| | 2000 | Ordinance No.04/2000 An Ordinance Enacting the Preservation and Conservation Guidelines for Vigan Ancestral Houses. 24 th April 2000, Vigan, Philippines. |

Presidential Decrees at National Level

Following the recommendations made by UNESCO and ICOMOS during the World Heritage Convention in 1972 that all member countries should undertake appropriate legal actions to safeguard their historic properties:

(UNESCO, 1972:Article 18)

Member States should, as far as possible, take all necessary scientific, technical and administrative, legal and financial measures to ensure the protection of the cultural and natural heritage in their territories.

The government of the Philippines enacted four national laws in the 1970s. These laws, Presidential Decrees, were aimed not only at recognising properties that are important to the country, but also to provide general guidelines as to how these properties should be managed as well as to lay down common foundations so that specific ordinances can be developed and tailored specifically to address the different characteristic of historical properties at local levels.

For example the Presidential Decree No. 260/1973 recognises eight historical monuments in the country as being of national importance and places these monuments and sites on the list of National Cultural Treasures³, to be administered by the National Museum. The Decree further recognises ten churches nation-wide as important religious buildings and includes these on the list of National Shrines⁴, to be administered

³ The eight National Cultural Treasures are : The Sta. Ana Site Museum in Manila, The Roman Catholic Churches of Paoay and Bacarra in Illocos Norte, The San Agustin Church and Liturgical Objects in Manila, Fort Pilar in Zamboanga City, The Petroglyphs of the Rockshelter in Angono Rizal, The Petroglyphs of Alab in Bontoc, The Mummy Caves in Kabayan, Benquet, Sagada and Alab and The Ifugao Rice Terraces of Banaue.

instead by the National Historical Institution. To further strengthen the protection of cultural and natural heritage nationally, the government of the Philippines in 1974 amended Act 4846⁵ by introducing Presidential Decree No. 374/1974. This Decree, which remains the principal legal instrument in the Philippines until today, introduces several important steps, consolidating the management of historic properties in the country; in particular, these are moveable properties and are listed under the list of National Cultural Treasures. For historical buildings and sites the Decree adopts:

- a. Terminology related to historic properties were brought in line with those accepted by the World Heritage Convention, 1972 and ICOMOS in Paris. Unlike UNESCO's terminology and scope that defines heritage as 'cultural property' that clearly grouped them into 'monuments', 'groups of buildings' and 'sites', The Decree defines heritage as 'Cultural Properties' to include all historical properties:

(PD No. 756/1975:Section 3a:2)

... old buildings, monuments, shrines, documents and objects which may be classified as antiques or artefacts, landmarks, anthropological and historical sites, and specimens of natural history which are of cultural,

⁴ "National Shrines are places of worship or places that may be considered sacred; sites of significant battles or other noteworthy military events; ancestral houses; sites of the birth, death, exile, detention or imprisonment of national heroes; and sites of ancient and irreplaceable human works" (NCAA, 2001:47). The ten National Shrines are : The Barasoain Churches in Malolos, Bulacan, Tirad Pass, Cervantes, Illocos Sur; The Miagao Churches in Miagao, Iloilo; The Site of the Battle of Mactan on Mactan Island in Cebu; The San Sebastian Church in Quiapo, Manila; and The Church and Convent of Santo Nifio in Cebu City.

⁵ Sections 2 to 22 of the Republic Act 4846(1966) were amended.

historical, anthropological or scientific value and significance to the nation,... but makes no distinction between cultural and natural properties;

- b. Recognises that historic properties are not only limited to objects, monuments and buildings, but also sites. The 'historical sites' is defined as "any place, province, city, town and/or any location and structure which has played a significant and important role in the history of ... [the] country and nation" (section 3i);
- c. Establishes the list of Important Cultural Property⁶ (Section 2 and 3b);
- d. Limits the scope of National Cultural Treasures to "only the rare and unique objects" and "the remainder, if any, shall be treated as cultural property (Section 7);
- e. Prohibits any change of ownership (Section 8:4), excavation (Section 12:5) and any form of intervention (Section 13:5) without approval from the National Museum; and
- f. Imposes penalties for any violation of the Act to a fine of not more than ten thousands pesos [£118]⁷ or imprisonment for a term of not more than two years or both, and establishes a unit under the National Museum called Division of Cultural Properties to prosecute violators of this Act (Section 21:7).

It is important to note that the lists of National Cultural Treasures and National Shrines as mentioned in Presidential Decree

No. 260/1973 or in those decrees enacted before 1973, do not contain any monuments, buildings or sites from Vigan or the Illocos Sur region. The first legal instrument relating to cultural properties that affected the city directly is the Presidential Decree No. 756/1975 enacted after a series of fires destroyed dozens of historical buildings (Ricardo, 1998:2) including the Seminary in 1968. The Decree recognised two buildings in Vigan as having national importance and placed these buildings under the list of cultural properties⁸. One was the house of Padre Jose Burgos on Burgos Street, now functioning as Burgos Museum and the other, the house of Leona Florentino on Crisologo Street that now houses the tourist office and a café. It also recognised Mestizo section of Vigan as having national importance and placed this section under the list of historical sites⁹. However, to what extent the properties within this section were protected by the decree was unclear, since the decree only mentioned "Mestizo section" without listing the properties within the section or defining its boundary. The Decree (PD No. 756/1975) was important to Vigan since it recognised the historical value of properties in the city and, more importantly, it provided some degree of protection against mistreatment, since Paragraph 5 of the Decree prohibited any demolition, repair or renovation of properties recognised, without prior approval from the National Museum in Manila:

(Paragraph 5:1)

... no demolition, repair or renovation of buildings in these areas [listed either under National Cultural Treasures or National Shrines] shall be undertaken

⁶ Important Cultural Properties are those having exceptional historical and cultural significance to the country, but are not sufficiently outstanding to merit the classification of National Cultural Treasures.

⁷ Calculated based on exchange rate of £1 to 85 pesos.

⁸ By virtue of Sections 3a and 7a of Presidential Decree No. 374/1974.

⁹ By virtue of Section 3i of Presidential Decree No. 374/1974.

without prior study, consultation and approved by the National Museum.

To provide similar protection to those properties listed in the National Shrines list, which lay under the responsibility of the National Historical Institutes, Presidential Decree No. 260/1973 was amended by Presidential Decree No. 1505/1978. It prohibits any intervention without approval from the Chairman of National Historical Institutes and imposes penalties that carry imprisonment of one to five years or a fine of one thousand to ten thousands pesos [£11.8 to £118] or both (Section 5:1).

The commitment of the Republic of the Philippines to ensure the protection and conservation of cultural properties and sites in the country during the 1970s was high. Under the leadership of President Marcos, the country acted fast echoing the recommendations made by UNESCO and ICOMOS in the 1970's, primarily those at the World Heritage Convention (1972), ICOMOS (1972), UNESCO (1972), ICOMOS (1975) and UNESCO (1976). Properties that are recognised to have important historical, cultural and social values to the country were included either under the list of National Cultural Treasurers, Important Cultural Properties, Cultural Properties, Historical Sites or National Shrines and hence protected against mistreatment and exploitation and placed the management of these properties under either the National Museum and National Historical Institute (Delumen, 2002:3).

However, there are several glaring weaknesses of the scope of protection provided by these instruments:

- a. Section 12 of Presidential Decree provides a clause for violation and non-compliance to the Decree that imposes a maximum of ten thousand pesos [£118] or imprisonment for a term of not more than two years or both; and this section has not been revised ever since. After thirty years now, the ten thousands pesos may not be substantial enough to prevent the non-compliances especially from medium to large-scale restoration projects. The development of a shopping complex next to the St. Paul's Cathedral will not be off-tangent from the recommended conservation principles if penalties are higher and properly imposed. UNESCO (1972) recommends that besides monetary fines, the Member States should also consider including a provision for the "restoration of an effected site to its original state in accordance with established scientific and technical standards (Article 48) by the heritage owners and their consultants.
- b. No system of incentive is provided for heritage owners that could encourage them to maintain and restore their heritage properties. In the absence of incentives and low penalties, the effort to encourage proper maintenance, preservation and restoration among heritage owners and users in the Philippines will be hard to achieve. In Vigan, for example, the poor maintenance and severe defects of ancestral houses may not be so serious if options of attractive incentives are made available by the government or the local authorities for utilisation of the homeowners.
- c. There seems to be a substantial overlapping of tasks and responsibilities between the National Museum and the National Historical Institute. This was recognised by the government, and in 1992 by virtue of Republic Act No. 7356/1992 the National Commission for Culture and the Arts (NCAA) was established with the objectives, among others, to coordinate the activities of national institutes on arts and cultural properties, including those of the National Museum and the National Historical Institute. On one hand, this effort should be praised; on the other hand, there are now three

national agencies in the country that are in charge of conservation and preservation of cultural properties, in particular of buildings and historical sites. Without clear jurisdiction and responsibilities for each, the general public, especially are at a loss.

- d. Unlike the UNESCO (1972) recommendations that limit the scope of cultural properties as either "monuments, groups of buildings or sites", the definitions and the scope of heritage, in particular, immovable heritage, in the Philippines are confusing: National Cultural Treasures, Important Cultural Properties, Cultural Property, Historical Sites, National Cultural Shrines, National Shrines to name a few.

The weaknesses identified above are so glaring that they warrant detailed studies by the government. After all, the above instruments are now thirty years of age, enough to justify major revision.

Ordinances at Local Level.

The Presidential Decrees at national level provide protection for cultural property in the Philippines and set a strong foundation for the development of specific laws and guidelines relating to the protection of properties at provincial and local levels. In the case of Vigan, as mentioned earlier, not a single ordinance or guideline relating to the protection of cultural properties was enacted, either by Illocos Sur province or by the Vigan town during the 1970s and 1980s. When the first submission requesting inscription in the list of World Heritage Sites was made in 1988, the historic properties in Vigan were protected by the four national decrees, as mentioned and recognised by the ICOMOS report (1989). However, during the second half of the 1990s, there were four ordinances related to the protection of cultural properties in Vigan formulated by the Municipality of Vigan that helped to

shape, improve and consolidate the protection of historic properties in Vigan. These are:

- a. Ordinance No. 12/1997 that defines the boundaries of core and buffer zones.
- b. Ordinance No. 14/1997 that defines the conservation terms, principles and processes.
- c. Ordinance No. 06/1999 that amends the conservation zones.
- d. Ordinance No. 04/2000 that provides detailed guidelines on the methodology of conservation and preservation suitable for ancestral houses of Vigan. It also formalises the creation of a management body within the Municipality of Vigan called Vigan Conservation Council (VCC), that in general takes responsibility of overall management of historical properties in Vigan. It is this Ordinance that gives responsibility and the power to the local authority to protect the heritage of the city.

a. **Ordinance No. 12 /1997**

Ordinance No. 12/1997 that defines the Core and Buffer Zones of Vigan was passed by the Municipality (*Singguniang Bayan*) of Vigan on September 1st, 1997, in time for the submission of the second nomination dossier to the World Heritage Centre in 1998. It was intended to consolidate Vigan's laws on cultural properties prior to the evaluation for inscription to the World Heritage List:

(Preamble:1)

Whereas, the Historic Town of Vigan is included in the tentative list of World Heritage Sites and must meet various criteria in authenticity, integrity and good management of its cultural property. As such, there is a need to provide the local legislative support to guarantee its protection and preservation for the present and future generation.

This Ordinance is significant because it clarifies Presidential Decree No. 374/1974

by defining and incorporating the "Mestizo Section" into core and buffer zones. The core zone is defined like an L-Shape with plazas and public buildings on one end and *Mestizo* section on the other end.

(Section 4:2)

The core forms like an L-Shape. It encompasses the two plazas, Burgos and Salcedo and the formal buildings around on the north and northwest end; the entire mestizo district centered on four main streets: Gov. A. Reyes, Plaridel, Crisologo and V.de los Reyes bounded by Diego Silang Street on the southern end. The area being bounded by the following streets and lot numbers: ...

The boundaries of this zone are carefully demarcated to follow the rear site boundary of lot numbers (Section 4: 2-3), bringing under protection both the properties inside the lots and the streets in front. As recommended by the international guidelines and as required by Operational Guidelines, the buffer zone is also defined (Section 5:3-4), with the purpose of providing authenticity of setting and to protect the core zone. Even then, the Bureau of the World Heritage Committee, when reviewing Vigan's nomination to the World Heritage Site at its twenty-third session 1999 in Paris, accepted ICOMOS' recommendation (ICOMOS, 1999:3) that minor modification to the delineation of the core and buffer zones of Vigan must be made prior to its acceptance to the World Heritage List. Through the Director, Mr. Mounir Bouchenaki, the World Heritage Centre as the secretariat to the Bureau instructed the Municipality of Vigan to act accordingly (UNESCO, 1999). Therefore, on 30th August 1999, Ordinance No. 6/1999 was enacted. Changes were made to comply with the request from the World Heritage Centre. Within the Core Zone, the Divine World of Vigan College at its north-eastern corner was excluded due to its modern four storey structure and inappropriate use as a

petrol station and the former Vigan Central School at the south end of the Buffer Zone was also excluded due to its use as an extension to the bus terminal (ICOMOS, 1989:2-3).

b. Ordinance No. 14/1997

A month after Ordinance No.12/1997 was enacted, another ordinance was also passed by the Municipality of Vigan. Ordinance No. 14/1997 was intended to provide the administrators, professionals and the public with the knowledge of the common principles and strategies of conservation, as practised internationally:

(Paragraph 2:1)

These are standard international practices on conservation tailored for use in the Historic Town of Vigan to maintain its authenticity, integrity, and protection as a heritage site in the present and into the future.

The introduction of this ordinance at the time of nomination submission to the World Heritage Centre in Paris, was carefully planned and executed so that Vigan would be seen not only to possess 'outstanding universal values', but also to have clear direction as to how the city should or will be conserved. Generally, six main aspects of conservation related to the Historic Town of Vigan are now defined, in close resemblance of the Burra Charter of Australia¹⁰. They are :

- Section 1 : Definition of terms
- Section 2 : Conservation Principles
- Section 3 : Conservation Processes
- Section 4 : Documentation and Recording
- Section 5 : Compatible Uses
- Section 6 : Penalties

The broader definition of 'cultural properties' as defined by Presidential Decree No. 374/1974 is further defined as "Place, Cultural Significance and Fabric" to follow the general terms and principles adopted by the Australia ICOMOS in 1988

(3rd Revision) and New Zealand ICOMOS in 1992.

(Section 1.1:1)

Place means the geographic area defined in Ordinance No:12 described as the Historic Town of Vigan, consisting of a core area and a buffer zone, including all the group of historical buildings and their setting and associated contents listed in Annex 2 [Listing of Ancestral Houses and Historical Buildings]; monuments; shrines; landmarks; streets, plazas, open spaces, rivers identified of cultural significance found within.

(Section 1.2:1)

Cultural Significance means the aesthetic, economic, educational, environmental, historic, religious, or social value of the Place defined in Section 1.1 above which helps us to understand our past, contributes to the enrichment of our present environment, and pass on to future generations...

(Section 1.3:2)

Fabric means all the physical material and attributes perceived by the senses found in every nook and corner including excavations in the historic Town of Vigan i.e. bricks, hardwood timbers, lime mortar, capiz windows, iron grills, lamps, piedra china tiles and clay tiles, 18th century period furniture and furnishings, fauna and flora commonly found in the area like palmera, bougainvillea, suntan, adelfa, hibiscus and cactus.

By adopting the above definition, the range of heritage in Vigan now includes both tangible and intangible that covers not only

historical buildings and ancestral houses but also the open spaces, the plazas, the streets, street furniture, furnishing, cultures, flora and fauna. However, it deviates for the terms and scope defined by the national Decrees as discussed above. Thus, it creates a gap between the two levels.

Ordinance No.14/1997 also clarifies many other principles regarding the intervention of historic properties in Vigan.

a. (Section 3)

It clarifies the different concepts of conservation, preservation, restoration, reconstruction, adaptation and maintenance. It helps the administrators, the professionals and the public to fully understand the real concept of conservation, and the different levels of intervention that can be introduced in order to protect and enhance the value of historic properties;

b. (Section 4)

It emphasises the importance of documentation in any intervention work such as the need to conduct detailed studies prior to any intervention, the importance of having a written statement of conservation policy, the need for cataloguing and archiving, and the value of having continuous study on sociological, archaeological excavation;

c. (Section 5)

It provides examples of suitable and not so suitable uses of historic buildings and sites within the core and buffer zones;

d. (Section 6)

It imposes penalties for non-compliance to the law, a fine of 2,500 pesos [£29] and/or six months imprisonment.

Unlike Australia's Burra Charter which is broader in nature, as it provides an overall umbrella for the whole country, this

¹⁰ The Burra Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) on 19th August 1979 at Burra, South Australia. It was revised on 23rd February 1981, 23 April 1988 and on the 26th Nov 1999.

ordinance on the other hand is very specific for the protection of cultural properties at local level i.e. Vigan. It provides conservation terms, scope and principles for all including authorities, professionals, consultants, contractors and the general public. To a large extent this Ordinance has helped many parties locally to understand the general principles of conservation as practised internationally.

Similar to Presidential Decree No. 374/1974, this Ordinance also fails to encourage proper maintenance, preservation and restoration by homeowners for not providing conservation incentives, as well as very low fines for non-compliance. With only 2,500 pesos or £29 maximum penalties, it provides 'loopholes' for abuse.

c. Ordinance No. 04/2000

While Ordinances No. 12/1997 and No. 6/1999 define the core and buffer zones of historic Vigan and Ordinance No. 14/1997 provides conservation principles, Ordinance No. 4/2000 provides guidelines for repairs and restoration as well as establishing a local management body. Ordinance No. 04/2000: An Ordinance Enacting The Preservation and Conservation Guidelines for Vigan Ancestral Houses, was approved by the Municipality of Vigan on 24th April 2000 in twenty-four sections. This Ordinance provides technical guidelines, in some detail, on the processes and methods of preservation, restoration and conservation of ancestral houses, open spaces, streetscapes and new architecture.

a. (Section 2): Definition of ancestral houses

It places the importance of 'age' over 'architecture' by formally defining 'ancestral houses' as "structures, which

have been in existence for not less than fifty years, the architecture of which is of Hispanic and Chinese influence". This simplified definition means:

- New houses built just after the country's independence on 4th July 1946 from the United States, if any, can now be considered as 'ancestral houses'¹¹ or the houses built today will also be considered as 'ancestral house' in fifty years time. This 'magic' number is subjective in nature and makes no references to any known legal instruments either at local or national levels and no references to the time in which these houses were built, "from mid 18th to late 19th centuries" (ICOMOS, 1999:2) except to (MoV and UNESCO 1999:3) that states "a structure may be considered ancestral or has a cultural value if it is at least 50 years old"
- No detailed design characteristic is provided for reference except "the architecture of which is of Hispanic and Chinese influence", and is thus open to variable interpretations and practices;
- It allows for modern buildings, which have distant character from the ancestral houses to be built on vacant lots of Vigan which will soon dilute the urban characteristic of Vigan;

- b. (Sections 3-16): Technical guidelines**
- One of the strengths of this Ordinance lies in the detailed technical guidelines on maintenance and restoration of ancestral houses which was prepared by a team of three local experts, a month before the official visit by the ICOMOS experts to evaluate the nomination of Vigan to the World Heritage: Hon. Francisco Ranches Junior, Chairman of Tourism, Dr. Ferdinand Lamarca, Vice President (Planning, Research and

¹¹ There was no research made on the number of new houses built within the Core and Buffer Zones after 1946. But through observation, no new houses are being built within the core zone, but there are several vacant lots and ruined ancestral houses.

Extension) of the University of Northern Philippines (UNP) and Archt. Fatima Rabang Alonzo, Dean of Architecture Institute at UNP as follows:

- Section 3 : Guidelines for the Foundation
- Section 4 : Guidelines for the Ground Floor Flooring
- Section 5 : Guidelines for Walls
- Section 6 : Guidelines for Floors
- Section 7 : Guidelines for Windows
- Section 8 : Guidelines for Second Floor and Staircase
- Section 9 : Guidelines for Electrical and Mechanical Systems
- Section 10 : Guidelines for Roof and Ceilings
- Section 11 : Guidelines for Architectural Ornaments and Details
- Section 12 : Guidelines for Signages
- Section 13 : Guidelines for Paints

These guidelines are wide ranging and provide methods of repair, maintenance and restoration of existing ancestral houses, which are mostly in a bad state of repair. The issuing of these guidelines is very timely since one of the problems faced by Vigan and the Philippines in general is the absence of clear methodologies of conservation as highlighted by Delumen (2002: 2). However, these guidelines have several shortcomings. Section 5, for example provides the methods of repair and maintenance for brick walls and lime plastering, but not on cleaning, repair and maintenance of timber wall panels, in particular, the 'wood-brick' houses which feature wall panels on the first floor; Section 7 provides guidelines on replacing window jambs, but not on cleaning and replacing the most important features of ancestral houses: *capiz* and *persiana* windows. Similarly, Section 10 allows for replacement of moulding and decorative elements of the ceiling from wood to alternative materials, and Section 13 allows the use

of different colour schemes, but does not make it compulsory for the home owners to use the traditional lime-wash on lime plastering.

- c. (Section 16): Guidelines on new architecture

The Ordinance also provides guidelines on the introduction of new architecture in Vigan with the hope that the new buildings will blend themselves well with the existing contexts and thus enhance the value of heritage in Vigan. Specifically, it provides limitation in terms of building heights, roof forms and materials, as well as the finishes of external walls. While the guideline strictly controls the building heights, which should be applauded, it allows the use of modern materials with less control and fails to lay down the principles behind these guidelines, as what was recommended by ICOMOS (1972). This could be one of the reasons for less successful intervention of the new shopping complex next to St. Paul's Cathedral. The problem will be more serious when a proposal is made to fill in the vacant lot between ancestral houses where the desire to maintain the continuity of form and function is higher, and Section 16 is clearly inadequate to face such proposals.

- d. (Sections 17-22): Establish Vigan Conservation Council (VCC) and its Technical Working Group (TWG).

To consolidate the management of cultural properties in Vigan, this ordinance formalises the creation of Vigan Conservation Council (VCC) and its Technical Working Group (TWG). Both VCC and TWG were first introduced by Mayor Eva Marie S. Medina by the issuance of Executive Order No. 03/1999 on the 3rd March 1999. Legally, VCC, whose members are the leaders of all the major stakeholder groups in Vigan, is now responsible for planning, evaluating, approving or

rejecting any physical intervention and development within the core and buffer zones of Vigan. The Technical Working Group (created within VCC) is a working committee to evaluate, review and make recommendations to VCC for further deliberation and decision. Details of VCC and its scope are discussed further under sub-chapter 7.2 (Management Structures of Vigan).

e. (Section 24): Penalties

To encourage proper conservation methodologies and to prevent any wrong interventions to historic cultural properties in Vigan, this Ordinance provides clauses for Penalties for those found violating this ordinance as follows:

- i. First Offence 1,000.00 pesos [£12]
- ii. Second Offence 1,500.00 pesos [£18]
- iii. Third Offence or more 2,500.00 pesos [£30]

Compared to the penalties impose under Section 20 of Presidential Decree No. 374/1974, enacted almost thirty years ago, which stipulates that:

(Section 20:6)

Any violation of the provisions of this Act shall, upon convictions, subject the offender to a fine of not more than ten thousand pesos [£118] or imprisonment for a term of not more than two years or both upon the discretion of the court...

the fines imposed under this Ordinance are small. Even though there has been no case of violation since the introduction of this Ordinance 2000 until the present day, as notified by the Mayor's Office during the study visit, small fines, surely will not be

enough to restrain illegal intervention as well as non compliance with the guidelines.

Conclusion

As a whole, the Heritage City of Vigan is now sufficiently protected by means of legal instruments, both at national and local levels. Even though the government of the Philippines ratified wholly to the World Heritage Convention only in 1985, it took immediate steps to consolidate their legal instruments relating to the protection of cultural properties as recommended by the Convention since 1973 (Presidential Decree No. 260/1973). At national level Presidential Decree No. 374/1974 remains the principal legal instrument on the protection of cultural property in the country and has provided solid foundations for the introduction of more specific legal instruments at local levels. However, these instruments have several weaknesses, such as system of incentives, penalties, the broad terminology and scope of heritage as well as overlapping of tasks and responsibilities between national agencies. At local level, the cultural properties in Vigan are protected by four Ordinances: No. 12/1997, No. 14/1997, No. 06/1999 and No. 4/2000, of which Ordinances No. 14/1997 and No. 4/2000 remain the most important instruments to date. The former provides general conservation principles and the latter provides extensive technical guidelines on repair, maintenance of ancestral houses, as well as on introduction of new buildings within historical contexts. Ordinance No. 4/2000 remains the most useful document with regard to maintenance, repair and restoration of ancestral houses and to the responsibilities and functions of Vigan Conservation Council. To better protect the heritage in Vigan by means of legal instruments, it is proposed that Local Ordinance No. 04/2000 be reviewed. To reflect the contents of the Ordinance, that not only focuses on restoration guidelines of ancestral houses, but open spaces, streetscape,

new architecture and establishment of management council, it is proposed that the title of the Ordinance be changed such as 'An Ordinance Enacting Conservation Guidelines for Cultural Property of Vigan and the Establishment of Vigan Conservation Council'.

Specifically, it is also recommended that amendments be made on the following sections:

a. *Section 2: Scope*

This section limits the scope of this Ordinance to cover only ancestral houses in Vigan, but the whole contents of this Ordinance really is much wider to include open spaces, streetscape and new architecture. Therefore, it is recommended that the words 'ancestral houses' be changed to 'cultural property'. This section also provides a formal definition of ancestral houses that limits its existence to at least fifty years and "which is of Hispanic and Chinese influence". To encourage uniformity in design, and to avoid mistreatment, it is recommended that special characteristics of ancestral houses be drawn.

b. *Section 5: Guidelines for walls.*

Section 5(a) to 5(d) provide detailed guidelines on repair and restoration of masonry wall; and no guideline is given for repair and restoration of wooden panels or walls. Therefore, it is recommended that sub-sections on repair and restoration of wooden walls be included:

- Section 5(e) Cleaning of timber panels and walls
- Section 5(f) Repair of timber panels and walls
- Section 5(g) Replacement of timber panels and walls

c. *Section 7: Guidelines for windows*

Section 7 provides guidelines for replacing window jambs; but no guidelines are given on cleaning and replacement of *capiz* and *persiana* windows. Therefore, the Research recommends for inclusion of sub-sections:

- Section 7(b) Cleaning of *capiz* and *persiana* windows
- Section 7(c) Replacement of *capiz* and *persiana* windows

d. *Section 10: Guidelines for roof and ceilings.*

Section 10(d) specifies methods and materials for replacement of moulding and decorative elements of the ceiling, but allows for replacement with different materials:

(Section 10:7)

Missing and broken mouldings and decorative elements of the ceiling may be replaced by copying the dimension of any existing portion of the wood element, and by using material that closely resembles the old wood species.

Since these elements are of wood, small in numbers and are important features in ancestral houses, imitation should not be allowed. Therefore, it is also recommended for the amendment of this clause:

(Section 10:7)

Missing and broken mouldings and decorative elements of the ceiling should be replaced by similar design and in the same materials as the old one.

e. *Section 13: Guidelines for paints*

Sections 13(a) to (e) provide guidelines and choice of colours for internal and external paints, but are silent on the specific type of paint. Since all the masonry walls of ancestral houses are plastered with lime; then it is important that only lime wash be used. To protect

against mistreatment, it is recommended for inclusion of Section 13(f) that reads:

Both interior and exterior walls shall be painted with lime wash, and the use of modern acrylic paint is prohibited.

f. *Section 16: New Architecture*

Section 16 provides guidelines for new architecture in Vigan that controls building heights, roof forms, roof materials, exterior walls, and special features and allows for the use of modern materials and construction techniques. To some extent these guidelines are too detailed. In the absence of clear principles on new architecture, these guidelines can easily be mistreated and abused. It is recommended that a clear principle on new architecture be included as suggested by ICOMOS (1972a).

g. *Section 24: Penal Clause*

This Section provides penalties for non-compliance to this Ordinance, but the amount is far too small for it to be effective:

Any person found violating this ordinance shall be subjected to a fine of:

- a. First Offence P1,000 [£12]
- b. Second Offence 1,500 [£18]
- c. Third Offence or more 2,500 [£30]

Therefore, it is recommended for revision of these fines to an amount substantial enough to prevent violation, and to consider other options such as imprisonment as included in Section 5 of the Presidential Decree No. 1505 (RoP, 1978) and reconstruction as recommended by UNESCO (1972):

(UNESCO 1972: Article 48)

..and should include provision for the restoration of an effected site to its original state in accordance with

established scientific and technical standards.

To encourage restoration by the private homeowner, it is recommended the Ordinance to include awards and incentives in various forms such as publicity, plaque, tax exemption and monetary rewards, to name a few.

The amendments to the current legal instruments are necessary so that the heritage of Vigan will be better protected and safeguarded for now and future generations.

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