

HERITAGE IN LAW: LOCATING THE IFUGAO TERRACES IN PHILIPPINE LEGISLATION*

NOTE

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ABSTRACT

The Ifugao Rice Terraces are the famous stair-like landscapes of Northern Luzon in the Philippines that have transformed the Ifugao landscape into functional and scenic farmlands, providing sustenance and livelihood for centuries. This paper reviews the cultural significance of the Rice Terraces with respect to existing laws in the Philippines and examines how the State has recognized them as cultural treasures and implemented preservation initiatives over the years. Using official documents of the Philippine Legislature, official reports from committee meetings of the annual UNESCO conventions, and other related documents, this paper will discuss the political changes that affected and continue to affect the management and conservation of the Ifugao Rice Terraces.

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I. INTRODUCTION

The magnum opus of early Ifugao farmers, the Rice Terraces were declared National Cultural Treasures in 1973. So crucial are these rice terraces in the embodiment of living cultural landscapes that the World Heritage Committee (WHC) of the United Nations Educational Scientific and Cultural Organization (UNESCO) inscribed “The Rice Terraces of the Philippine Cordilleras” in the World Heritage List in 1995.¹ Abandonment, pests, unfavorable weather conditions and poor conservation initiatives, however, resulted in their deterioration and led the WHC to inscribe the rice terraces in the List of World Heritage in Danger in 2001.² Fortunately, the tremendous efforts and initiatives on the part of the international community, the national and local government units as well as private organizations and cooperatives over a span of eleven years paid off. The Rice Terraces of the Philippine Cordilleras were removed from the List of World Heritage in Danger in 2012.

II. DEFINITION OF “CULTURAL PROPERTIES”

The earliest attempt to recognize the significance of Philippine “antiques” can be traced to 1930s, when the Philippines was under the American Insular Government headed by Governor General Dwight F. Davis. Act No. 3874 entitled “An Act Prohibiting the Exportation of Antiques of the Philippine Islands” was approved on November 13, 1931.

Section 1 reads:

The antiques of the Philippine Islands, such as coins, arms, tools, furniture, decorations, manuscripts, ships and their separate parts, articles of adornment, stones with inscriptions or figures, agricultural implements, sculptures, carvings and other works or articles of art, industry and commerce shall not be exported from the country without the prior authorization of the Secretary of Agriculture and Natural Resources: Provided, That only such objects as are more than one hundred years old shall be considered antiques.³

¹ World Heritage Committee [hereinafter “WHC”], Report of the Rapporteur of the 19th Session of the Committee (Berlin, Germany, 4-9 Dec. 1995), at 47, UNESCO Doc. WHC-95/CONF.203/16 (Jan. 31, 1996).

² WHC, Report of the 25th Session of the World Heritage Committee (Helsinki, Finland, 11-16 Dec. 2001), at 32, UNESCO Doc. WHC-01/CONF.208/24 (Feb. 8, 2002).

³ Act No. 3874 (1931), § 1. An Act Prohibiting the Exportation of Antiques of the Philippine Islands.

Section 2 provides the penalty for such acts:

Any person violating this provision or an accomplice thereto shall be liable to a fine not exceeding two thousand five hundred pesos. The confiscation of the objects in question or the payment of their value to the Treasury of the Philippine Islands shall be at the discretion of the Secretary of Agriculture and Natural Resources[.]⁴

This Act considered certain movable properties as “antiques” if they were at least 100 years old. The State willed to protect these various types of antique movable property by requiring authorization from the Secretary of Agriculture and Natural Resources and penalizing non-compliance thereof. Through the introduction of this Act, it can be inferred that the notion of today’s “cultural properties” stemmed from recognizing the distinct characteristics of the aforementioned movable properties, coupled with the concept of being created or utilized in erstwhile generations or civilizations.

On June 18, 1966, the Philippine government took its first step in terms of defining, recognizing and protecting cultural properties in the Philippines. Republic Act (R.A.) No. 4846 was signed into law by then President Ferdinand E. Marcos. R.A. No. 4846, otherwise known as the “Cultural Properties Preservation and Protection Act,” repealed Act No. 3874, and declared a national policy to “preserve and protect the important cultural properties and National Cultural Treasures of the nation and to safeguard their intrinsic value.”⁵

Definitions of several concepts related to cultural properties were provided in Section 3:

- a. *Cultural properties* are old buildings, monuments, shrines, documents, and objects which may be classified as antiques, relics, or artifacts, landmarks, anthropological and historical sites, and specimens of natural history which are of cultural, historical, anthropological or scientific value and significance to the nation; such as physical, anthropological, archaeological and ethnographical materials, meteorites and tektites; historical objects and manuscripts; household and agricultural implements; decorative articles of personal

⁴ Act No. 3874 (1931), § 3.

⁵ Rep. Act No. 4846 (1966), §2. Cultural Properties Preservation and Protection Act.

adornment; works of art such as paintings, sculptures, carvings, jewelry, music, architecture, sketches drawings or illustrations in part or in whole; works of industrial and commercial art such as furniture, pottery, ceramics, wrought iron, gold, bronze, silver, wood or other heraldic items, metals, coins, medals, badges, insignias, coat of arms, crests, flags, arms, and armor; vehicles or ships or boats in part or in whole.

- b. *Cultural treasures* are cultural properties which are segregated and designed as cultural treasures in accordance with the procedure provided for in Section seven of this Act.
- c. *Antiques* are cultural properties which are one hundred years or more in age or even less, but their production having ceased, they have therefore, become or are becoming rare.
- d. *Relics* are cultural properties which, either as a whole or in fragments, are left behind after the destruction or decay of the rest of its parts and which are intimately associated with important beliefs, practices, customs and traditions, periods and personages.
- e. *Artifacts* are articles which are products of human skills or workmanship, especially in the simple product of primitive arts or industry representing an area or period.
- f. *Natural History Specimens* are live or preserved specimens of plants and animals, fossils, rocks and minerals. Only types, presently irreplaceable specimens, and those in danger of extinction shall be embraced in this Act.
- g. *Type*, as mentioned in Section seven-b in the context of this Act, is a specimen selected as the best to represent a kind or class of objects consisting of many but almost identical individuals or pieces. In the case of specimens of natural history, the type is the individual specimen which was used as the basis of description establishing the species, in accordance with the rules of nomenclature.⁶

Section 7 provided for a procedure in which cultural properties can further be classified as cultural treasures based on the intensity of its significance, thus:

⁶ Rep. Act No. 4846 (1966), § 3(a)-(g). (Emphases supplied.)

In the designation of a particular cultural property to “cultural treasure,” the following procedure shall be observed:

- a. Before the actual designation, the owner, if the property is privately owned, shall be notified at least fifteen days prior to the intended designation, and he shall be invited to attend the deliberations and be given a chance to be heard. Decision shall be given by the panel within a week after its deliberation. In the event that the owner desires to seek reconsideration of the designation made by the panel, he may do so within thirty days from the date that the decision has been rendered. If no request for reconsideration is filed after this period, the designation is then considered final and executory. Any request for reconsideration filed within thirty days and subsequently again denied by the panel, may be further appealed to another panel chairmanned by the Secretary of Education, with two experts as members appointed by the President of the Philippines. Their decision shall be final and binding.⁷

The National Museum was also mandated as the chief agency to implement the provisions of the Act, with the Director being given the responsibility of convening competent experts that would deliberate on the significance of cultural properties and eventually designate them as “National Cultural Treasures” or “Important Cultural Properties.”⁸

The Act also prohibited the exportation of cultural properties without permission from the National Museum. Excavations, explorations, or digging up of archaeological or historic sites were also declared unlawful unless authorized.⁹ Violators faced a fine of not more than PHP 10,000 or imprisonment for a term of not more than two years.¹⁰

Through this law, the State now recognized the intrinsic value not only of certain movable properties, *but also* of various types of immovable properties, so much so to afford them protection.

This view further intensified in the coming years. Eight years later, pursuant to Section 9, paragraph 2, Article XV of the 1973 Constitution, which provided that “Filipino culture shall be preserved and developed for

⁷ Rep. Act No. 4846 (1966), § 7.

⁸ §§ 4-6.

⁹ §§ 10, 12.

¹⁰ § 20.

national identity,” R.A. No. 4846 was amended on January 10, 1974 with the issuance of Presidential Decree (P.D.) No. 374, which declared that there had been innumerable sites containing cultural properties and cultural treasures that were passed onto private hands but still belonged to the Filipino people as their heritage, and that it is “perhaps impossible to find an area in the Philippines, whether government or private property, which has not been disturbed by commercial-minded diggers and collectors, literally destroying our historic past[.]”¹¹

This amendment retained the definition of Cultural Properties (Section 3(a) of R.A. No. 4846), but repealed the definition of “Cultural Treasure” to “National Cultural Treasure,” thus:

A National Cultural Treasure is a unique object found locally, possessing outstanding historical, cultural, artistic, and/or scientific value which is highly significant and important to this country and nation.¹²

The said amendment also adds, in Section 3(b), that “cultural properties which have been singled out from among the innumerable cultural properties as having exceptional historical and cultural significance to the Philippines, but are not sufficiently outstanding to merit the classification of ‘National Cultural Treasures’ are important cultural properties.”

Through these amendments, further developments have been forwarded in the efforts to recognize the innate characteristics of cultural properties that characterize the Philippines. Now, the State recognizes a hierarchy of cultural properties as seen in the added classification of National Cultural Treasures.

Furthermore, the amendment also included the following definitions in Section 3:

- i. A *historical site* is any place, province, city, town and/or any location and structure which has played a significant and important role in the history of our country and nation. Such significance and importance may be cultural, political, sociological or historical.

¹¹ Pres. Dec. No. 374 (1974), whereas ¶ 3.

¹² Pres. Dec. No. 374 (1974), § 3(b).

- j. An *archaeological site* is any place which may be underground or on the surface, underwater or at sea level which contains fossils, artifacts and other cultural, geological, botanical, zoological materials which depict and document evidences of paleontological and pre-historic events.
- k. An *anthropological area* is any place where studies of specific cultural groups are being or should be undertaken in the field of anthropology. Anthropology in this case is descriptive, interpretative and comparative study of all aspects of various cultural linguistic groups including the collection and analysis of their particular material culture.
- l. *Collector* is any person or institution who acquires cultural properties and National Cultural Treasures for purposes other than sale.
- m. *Dealers* are persons or enterprises who acquire cultural properties for the purpose of engaging in the acquisition and resale of the same.
- n. *Exporters* are dealers who engage in the business of exporting cultural properties.
- o. For purposes of Republic Act No. 4846 government property covers all lands and marine areas including those covered by licenses or special permits and those owned or administered by government-owned or controlled corporations, institutions or agencies.¹³

Clearly, with these definitions, the State exerted genuine efforts in providing an avenue to recognize cultural properties and National Cultural treasures as a special categorization of property that necessitates its protection, whether they be owned publicly or privately.

Sections 14 to 18, Article XIV of the 1987 Constitution declared that the State fosters the preservation, conservation and enrichment of the Filipino national culture through the conservation, promotion, and popularization of cultural heritage and resources, protecting the country's cultural treasures, recognizing and respecting the rights of indigenous cultural communities, ensuring equal access to cultural opportunities through the educational system, and encouraging the support, research, and studies on arts and culture.

¹³ Pres. Dec. No. 374 (1974), § 3(i)-(o). (Emphases supplied.)

These provisions indicate that the State recognizes that certain objects and structures are crucial and indispensable for the proper understanding of Philippine culture and history. Culturally significant properties contribute to instilling a national memory, creating a national identity and promoting unity among the Filipino people. Through these provisions, the State recognizes that cultural properties are at risk of being damaged, destroyed, lost, sold or even traded illegally; hence, the need for protective measures. The preservation and conservation of the country's cultural properties is, in one way or another, a responsibility and should be prioritized by the State.

On 26 March 2010, then President Gloria Macapagal-Arroyo signed into law R.A. No. 10066, also known as the National Cultural Heritage Act of 2009. Section 3(j), Article II thereof defines "Cultural property" as "all products of human creativity by which a people and a nation reveal their identity, including churches, mosques and other places of religious worship, schools and natural history specimens and sites, whether public or privately-owned, movable or immovable, and tangible or intangible." Section 4 of Article III categorizes "cultural property" into (a) National Cultural Treasures; (b) important cultural property; (c) world heritage sites; (d) national historic shrines; (e) national historical monuments; and (f) national historical landmarks. Section 3, Article II also defines each category. Little, however, was changed of the original definition of "National Cultural Treasure," thus:

- (bb) "National cultural treasure" shall refer to a unique cultural property found locally, possessing outstanding historical, cultural, artistic and/or scientific value which is highly significant and important to the country and nation, and officially declared as such by pertinent cultural agency.¹⁴

New terms, however were added which are of great significance in so far as the Ifugao Rice Terraces are concerned, to wit:

- (x) "Intangible cultural heritage" shall refer to the practices, representations, expressions, knowledge and skills, as well as the instruments, objects and artifacts associated therewith, that communities, groups and individuals recognize as part of their cultural heritage, such as: (1) oral traditions, languages and expressions; (2) performing arts; (3) social practices, rituals and festive events; (4) knowledge and practices

¹⁴ Rep. Act No. 10066 (2010), § 3(bb). National Cultural Heritage Act of 2009.

concerning nature and the universe; and (5) traditional craftsmanship.

- (y) “Intangible cultural property” shall refer to the peoples’ learned processes along with the knowledge, skills and creativity that inform and are developed by them, the products they create and the resources, spaces and other aspects of social and natural context necessary for their sustainability.¹⁵

R.A. No. 10066 also authorized the National Commission for Culture and the Arts (NCCA)¹⁶ to establish “heritage zones,” defined as “historical, anthropological, archaeological, artistic geographical areas and settings that are culturally significant to the country, as declared by the National Museum and/or the National Historical Institute.”¹⁷ It also established the Philippine Registry of Cultural Property to be maintained by the NCCA through the appropriate cultural agency and/or local government unit.¹⁸

Interestingly, R.A. No. 10066 does not define a “world heritage site,” although such is one of the categories of “cultural properties.” Section 6, Article III thereof mandates that the “appropriate cultural agency shall closely collaborate with the UNESCO National Commission of the Philippines in ensuring the conservation and management of world heritage sites, of cultural and mixed sites category, in the Philippines.”

III. TIMELINE: STATE RECOGNITION OF THE RICE TERRACES OVER TIME

Prior to 1966, the provinces of Benguet, Kalinga, Apayao, and Ifugao formed a single administrative unit called Mountain Province. In June 1966, through R.A. No. 4695,¹⁹ Mountain Province was divided into the four independent provinces of Benguet, Mountain Province, Ifugao, and Kalinga-Apayao. Each province had massive areas of terraced landscape.

¹⁵ Rep. Act No. 10066 (2010), § 3(x)-(y).

¹⁶ Created under Rep. Act No. 7356 (1992). Law Creating the National Commission for Culture and the Arts.

¹⁷ Rep. Act No.10066 (2009), § 3(q).

¹⁸ § 14.

¹⁹ Rep. Act No. 4695 (1966). An Act Creating the Provinces of Benguet, Mountain Province, Ifugao and Kalinga-Apayao.

The Ifugao Rice Terraces became “National Cultural Treasures” on August 1, 1973 when President Marcos declared them as such, among other cultural properties,²⁰ under P.D. No. 260, following the definitions and guidelines provided in Sections 3 and 7 of R.A. No. 4846. This granted the National Museum, in collaboration with the Department of Tourism, the responsibility of restoring and reconstructing the Rice Terraces and other National Cultural Treasures.

P.D. No. 260 was amended in 1978 by P.D. No. 1505 which prohibited the unauthorized modification, alteration, repair and destruction of original features of all national shrines, monuments, landmarks and important historic edifices. Penalties of imprisonment for a period of one to five years, or a fine ranging from PHP 1,000 to PHP 10,000, or both were imposed on violators.²¹

The 1987 Constitution, under Sections 1 and 15 of Article X, on “Local Government,” provides for the creation of an autonomous region in the Cordilleras. The Constitution does not define “Cordilleras,” but this term is commonly used to refer to the provinces situated in the Cordillera Mountain Range in Northern Luzon which are Benguet, Abra, Kalinga, Apayao, Mountain Province and Ifugao.

The autonomous region is to consist “of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.”²²

Pursuant to the abovementioned Constitutional mandate, Executive Order (E.O.) No. 220 was issued by then President Corazon Aquino on July 15, 1987, “Creating a Cordillera Administrative Region (CAR), Appropriating Funds Therefor and for Other Purposes.” The CAR would consist of the provinces of Abra, Benguet, Ifugao, Kalinga-Apayao and Mountain Province and Baguio City, the Capital of Benguet Province. In

²⁰ Other cultural properties were also declared National Cultural Treasures: the Sta. Ana Site Museum in Manila; the Roman Catholic Churches of Paoay and Bacarra in Ilocos Norte; the San Agustin Church and liturgical objects in Intramuros, Manila; Fort Pilar in Zamboanga City; the Petroglyphs of the Rock-shelter in Angono, Rizal and of Alab, Bontoc; the stone agricultural calendars of Dap-ay Guiday in Besao, Bontoc; and the Mummy Caves of Kabayan, Benguet, and of Sagada and Alab, Bontoc.

²¹ Pres. Dec. No. 260 (1973), § 5, *amended by* Pres. Dec. No. 1505 (1978), § 1.

²² CONST. art. 10, § 15.

October 1989, President Aquino approved R.A. No. 6766, “An Act Providing for an Organic Act for the Cordillera Autonomous Region.” According to Article I, Section 2(A) thereof: “The area of the Cordillera Autonomous Region shall consist of the city and the provinces that shall vote favorably in the plebiscite called for the ratification of this Organic Act pursuant to Section 18, Article X of the Constitution.”

Section 10, Article XI of R.A. No. 6766 provides that: “The ancient rice terraces in the Cordilleras are hereby declared as national treasures and part of the national heritage of the cultural communities in the area as well as the Filipino people.” At this time, only the Ifugao Rice Terraces of Banaue had been declared as National Cultural Treasures pursuant to P.D. No. 260. The rice terraces in the other areas of the Cordilleras, although similar to those of Banaue, were not recognized as such. Thus, the ratification of R.A. No. 6766 would ultimately have granted the status of “National Cultural Treasure” to the rice terraces found in Abra, Benguet, Kalinga-Apayao, and Mountain Province.

The plebiscite for the ratification of R.A. No. 6766 was held January 30, 1990, but only the province of Ifugao voted in favor of ratification. The Commission on Elections (COMELEC), through its Resolution No. 22599 dated February 14, 1990, declared that the Organic Act for the Region (R.A. No. 6766) had been approved and/or ratified by majority of the votes cast only in the province of Ifugao. The Executive Department then proceeded to implement R.A. No. 6766 with the CAR consisting only of the province of Ifugao. This was put to an abrupt end, however, when the Supreme Court, in *Ordillo v. Commission on Elections*,²³ ruled that: “Resolution No. 2259 of the Commission on Elections, insofar as it upholds the creation of an autonomous region [is] declared null and void while Executive Order No. 220 is declared to be still in force and effect until properly repealed or amended.”²⁴ Efforts to rewrite R.A. No. 6766 and to reorganize the CAR are ongoing until today. With the Supreme Court ruling therefore, the Ifugao Rice Terraces of Banaue remained as the only rice terraces recognized as National Cultural Treasures.

Thus, by that time, the Philippine Government had not only recognized the Ifugao Rice Terraces as a National Cultural Treasure; it had also institutionalized the preservation, conservation and management of the said landscape. Through these laws, the State recognizes that the Ifugao Rice Terraces grant upon the Filipino community a sense of unity and

²³ G.R. No. 93054, 192 SCRA 100 (Dec. 4, 1990).

²⁴ *Id.* at 109.

nationalism and reinforce the richness of the country's history, culture, and identity.

A. International Interest

The Marcos presidency put emphasis on tourism, especially in Northern Luzon. Soon after he amended R.A. No. 4846 in 1974, he issued Proclamation No. 1522 on December 12 1975, "Declaring the Ifugao Rice Terraces in the Municipalities of Banaue, Kiangan, Mayaoyao, Batad, Hungduan and Hapao in the Province of Ifugao as a Tourist Zone". The Ifugao Rice Terraces, as a tourist zone, were placed under the administration and control of the Philippine Tourism Authority (PTA). After years of intensified efforts at "marketing" the Ifugao Rice Terraces, they became one of the country's forefront tourist destinations. Over time, interest in the Ifugao Rice Terraces had gone global.

In 1994, the Philippine government nominated the "Rice Terraces of the Philippine Cordilleras" for inclusion in the UNESCO's World Heritage List as cultural landscapes. Five rice terrace clusters constituted the Rice Terraces of the Philippine Cordilleras:

- (1-2) Rice Terrace Clusters of Banaue: Batad and Bangaan;
- (3) Rice Terrace Clusters of Mayoyao: Mayoyao Central;
- (4) Rice Terrace Clusters of Kiangan: Nagacadan; and
- (5) Rice Terrace Clusters of Hungduan.

All of the said rice terraces are found in the Province of Ifugao. The justification for the nomination reads:

The rice terraces of the Philippine Cordilleras are an unmistakable example of a landscape resulting from the combined works of nature and man, illustrative of the evolution of human society and settlement over time, under the influence of physical constraints presented by their natural environment and of successive social, economic and cultural forces. The four (sic) clusters presented in this nomination are the best surviving examples of tribal management still in practice. Traditional methods are used in the maintenance of environmental balance, the buffer zone of private forests ringing the terrace group, the terraces themselves, the villages, and the sacred graves. The cultural practices of the tribes

remaining within these clusters reinforce the traditional maintenance methods.

The rice terraces are an expression of the Ifugao's mastery of the watershed ecology and terrace engineering. It is also a complex farming system consisting not only of the terrace ponds but also the swidden farms and the muyongs (private forests). All these components of the terrace systems must be taken together if the rice terraces are to be conserved and maintained. They are therefore nominated for the world Heritage List as a cultural landscape as defined in paragraph 39 of the Operational Guidelines for the Implementation of the World Heritage Convention (WHC/2 Revised February 1994), criterion ii, sub-category 2: '... the organically evolved landscape [which] results from an initial social, economic, administrative and/or religious imperative and has developed its present form by association with and in response to its natural environment... a continuing landscape is one which retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress. At the same time, it exhibits significant material evidence of its evolution over time.'²⁵

FIGURE 1. CLOSE-UP VIEW OF BATAD RICE TERRACES



Source: UNESCO National Commission of the Philippines, DOST-ICTO.

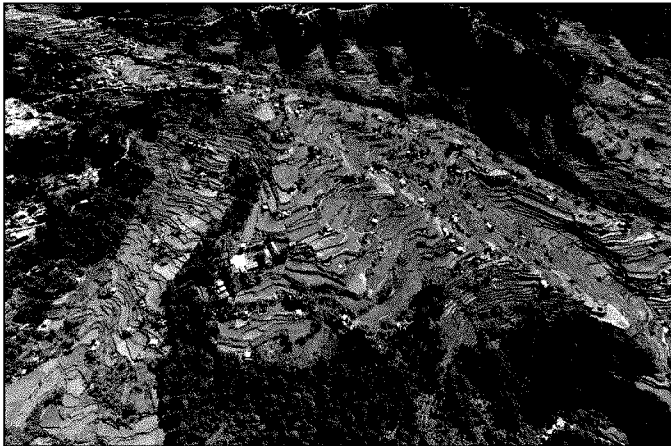
²⁵ WHC, Advisory Body Evaluation, at 48 (September 1995), at http://whc.unesco.org/archive/advisory_body_evaluation/722.pdf.

FIGURE 2. THE RICE TERRACES OF BATAD



Source: Dr. Stephen Acabado

FIGURE 3. THE TERRACES OF MAYOYAO



Source: Dr. Stephen Acabado

FIGURE 4. CLUSTER OF RICE TERRACES OF KIANGAN

Source: Dr. Stephen Acabado

The UNESCO, in partnership with the International Council on Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature (IUCN), sent a joint mission to visit the Philippines in 1994. This committee concluded that the Ifugao Rice Terraces conformed precisely to the definition of a “cultural landscape,” as delineated by the Operational Guidelines of both ICOMOS and UNESCO.²⁶ By December 1995, through the 19th Committee Session of the UNESCO in Berlin, Germany, the Rice Terraces of the Philippine Cordilleras were officially inscribed in the List of World Heritage Sites.²⁷

B. The Decline of the Terraces

Even before their inscription in the List of World Heritage Sites, the Ifugao Rice Terraces continued to be threatened by natural decay and changing social and economic conditions. In response, then President Fidel V. Ramos issued E.O. No. 158 on February 18, 1994, “Creating a Presidential Commission to Formulate Short and Long-term Plans for the Restoration and Preservation of the Ifugao Rice Terraces in the Municipalities of Banaue, Hungduan, Mayoyao and Kiangan.” This created the Ifugao Terraces Commission (ITC) “for the restoration and preservation of the Ifugao Rice Terraces in the municipalities of Banaue, Kiangan, Hungdungan [sic] and Mayoyao in Ifugao,”²⁸ and one of its duties was to “Formulate a Three-Year Ifugao Terraces Master Plan by September 30,

²⁶ WHC, *supra* note 1, at 48.

²⁷ *Id.*

²⁸ Exec. Order No. 158 (1994), § 1.

1994 and a Six-Year Integrated Master Plan for the whole area covering Banaue, Kiangan, Hungdunggan [sic], and Mayoyao by December 1, 1994.”²⁹ E.O. No. 178 dated May 23, 1994 included the municipalities of Hingyon, Asipulo, Tinoc, Lagawe, and Aginaldo in the coverage of the ITC.

In 1997, the WHC, acting upon requests from the government of the Philippines, approved funding from the World Heritage Fund for the preparation of a technical project for the mapping of the rice terraces in the amount of USD 15,000. The following year, the said Committee approved funding for a Geographic Information System (GIS) for mapping of the rice terraces, and for strengthening enhanced management, in the amount of USD 50,000.³⁰

Before this GIS project could start, then newly elected President Joseph Estrada, through E.O. No. 77, created the Banaue Rice Terraces Task Force (BRTTF) in March 1999 for the purpose of restoring, maintaining and administering the development of the rice terraces in the Banaue, Aginaldo, Hingyon, Hungduan, Kiangan, Lagawe, Mayoyao and Tinoc, all in the Ifugao Province. This repealed Pres. Ramos’ E.O. Nos. 158 and 178 and dissolved the ITC created under E.O. No. 158. The new government agency was tasked to carry out the duties of the abolished Commission.

The BRTTF was composed of the Secretary of Tourism as Chairman and the Undersecretary of Agriculture as Vice-Chairman. Members included the Undersecretaries of the Department of Environment and Natural Resources (DENR), the Department of Public Works and Highways (DPWH), the Congressman and Governor of Ifugao Province, and the President of the Mayor’s League of Ifugao. The Task Force was tasked to formulate, coordinate, and execute policies for the implementation of government projects related to the Ifugao Rice Terraces; initiate and supervise the restoration and maintenance of the rice paddies; provide livelihood opportunities for the municipalities’ constituents, and other measures to uphold the sustainability of the rice terraces.

²⁹ Exec. Order No. 158 (1994), § 2(a).

³⁰ WHC, Requests for International Assistance, 22nd Extraordinary Session of the Bureau (Kyoto, Japan, 27-28 November 1998), at 62, UNESCO Doc. WHC-98/CONF.202/6 (Oct. 28, 1998).

During the 23rd session of the WHC in 1999, it was reported that:

The Bureau expressed its appreciation for the informative report of the Banaue Rice terraces Task Force (BRTTF) dated 30 August 1999 on the on-going activities for the protection of the Rice terraces of the Philippines Cordilleras. The Bureau stressed the importance of these activities, notably the watershed management of the site and its buffer zone as well as those to mitigate the negative impact of infrastructural development works on the site. The Bureau recommended the State Party to update the existing development plan to ensure that the socioeconomic development needs of the local inhabitants are met while maintaining the authenticity and sustainable conservation of this fragile site. In this connection, the Bureau expressed concern over the impact of increasing tourism to the site and requested the State Party to inform the Bureau through the Secretariat by 15 September 2000 on whether or not the integrated development strategy including a tourism development plan for this site which were reportedly under preparation at the time of the site's inscription had been completed.³¹

The BRTTF report was submitted in response to the request of the World Heritage Bureau. It stated that the contract for the GIS mapping of the rice terraces was finally signed on August 24, 1999, and that the following measures were being undertaken:

1. Reforestation of Batad's critical watershed which serves as the buffer zone for the terraces;
2. Repair of the damaged rice terraces;
3. Rehabilitation of the ancient irrigation systems;
4. Repair and restoration of the traditional native Ifugao houses in the Batad villages;
5. Protection of the traditional Ifugao clan-owned forest called the *Muyongs* which serves as buffer zones for the terraces, notably by strengthening co-operation with the DENR for strict enforcement of the Forestry Laws to prevent timber-poaching and deforestation; co-operation with the DPWH

³¹ WHC, Report of the Rapporteur of the 23rd Session of the World Heritage Committee (Marrakesh, Morocco, 29 Nov. – 4 Dec. 1999), at 106, UNESCO Doc. WHC-99/CONF.209/22, (Mar. 2, 2000).

to prevent damages to the rice fields and forest buffer zones when implementing public works within the terrace areas; and by undertaking joint reforestation projects with the local woodcarvers and stakeholders of the terraces with technical support of the DENR.³²

In 2000, during the 24th Session of the Convention Concerning the Protection of the World Cultural and Natural Heritage in Cairns, Australia, it was noted that the close monitoring of the Rice Terraces of the Philippine Cordilleras required more than a GIS database. A comprehensive and sustainable management plan that would ensure the conservation and sustainable development of the Rice Terraces was also necessary.³³

An update from the representative of the Philippines reported that the National Mapping Authority had begun the GIS mapping project of the Cordillera Rice Terraces. This project was expected to have been completed in January 2001. The World Heritage Bureau, upon reviewing the status report of the Ifugao Rice Terraces, recognized that the Rice Terraces were extremely fragile, and recalled that the prominent justification in including the Ifugao Rice Terraces as a World Heritage Site in 1995 was that the rice terraces were an example of how human land-use “has been in balance with this mountainous environment for centuries.”³⁴

Due to the shifting patterns of socio-economic and physical conditions within this living landscape, the Bureau also recognized that the current GIS documentation of the area was not sufficient to address the maintenance techniques needed to sustain the Rice Terraces. Moreover, the Bureau also expressed concern that despite requests for a comprehensive management plan for the Rice Terraces in 1995, such plan had not yet been developed or implemented. The Bureau requested for an urgent organization of a reactive monitoring mission in collaboration with ICOMOS and IUCN.³⁵

³² WHC, State of conservation of properties inscribed on the World Heritage List, 23rd Session of the World Heritage Committee (Marrakesh, Morocco, 29 Nov. – 4 Dec. 1999), at 55, UNESCO Doc. WHC-99/CONF.209/14 (Oct. 27, 1999).

³³ WHC, Report of the 24th session of the World Heritage Committee (Cairns, Australia, 27 Nov. – 2 Dec. 2000), at 130, UNESCO Doc. WHC-2000/CONF.204/21 (Feb. 16, 2001).

³⁴ *Id.*

³⁵ *Id.* at 131.

The main objectives of the monitoring mission were as follows:

1. Elaboration of measures to overcome difficulties in activating the GIS system;
2. Evaluation and provision of technical advice concerning the type and quality of data to be gathered and utilized to enable the full protection and sustainable development of the site; and
3. Definition of the aims and scope of the permanent agency to manage and conserve the Philippine cordilleras, currently under consideration by the national authorities.³⁶

During the 25th Session of the WHC in Helsinki, Finland, the Rice Terraces were included in the List of World Heritage Sites in Danger.³⁷ The Reactive Monitoring Mission of 2001 indicated that although the Ifugao Rice Terraces Commission and the BRTTF exerted efforts to safeguard the Rice Terraces of the Philippines, the said government agencies lacked the full governmental support and resources required to assure the permanence of rice terrace maintenance.

The report stated that 25 to 30% of the rice terraces had been abandoned, leading to further destruction of the terrace walls due to a neglected irrigation system. This in turn was attributed to “people leaving the area.”³⁸ This is most likely due to the migration of local farmers to urban areas in search of better economic prospects, Ifugao Province comprising fourth class municipalities with an average annual family income of only PHP 149,062.00 in 2009.³⁹ In the absence of local farmers, “the situation is aggravated by the effects of pest species of worms and snails.”⁴⁰ Although stable and commendable planning measures had been devised, “irregular development is taking place, which threatens to erode the heritage landscape.”⁴¹ Progress in efforts to develop further the area into a tourism

³⁶ WHC, *supra* note 33, at 131.

³⁷ WHC, *supra* note 2.

³⁸ *Id.*

³⁹ Philippine Statistics Authority, Average Annual Family Income, Standard Error, Coefficient of Variation by Province: 2009, *available at* <https://psa.gov.ph/sites/default/files/attachments/hsd/article/Table%201%20Average%20Annual%20Family%20Income%20Standard%20Error%20of%20Coefficient%20of%20Variation%20by%20Province%202009.pdf>

⁴⁰ WHC, *supra* note 2.

⁴¹ *Id.*

zone had also been hampered by the difficulty in accessing the area. The report concludes that: “As a result, the World Heritage values may be lost unless current trends are reversed within 10 years (maximum).”⁴²

In response to the findings, the representative from the Philippines assured the Committee that steps to establish “legislation and permanent and effective authority to co-ordinate and lead efforts to restore and protect the property”⁴³ were being undertaken. The Committee also requested the World Heritage Center and the UNESCO Bangkok Office to continue assisting Philippine authorities in establishing a long-term comprehensive management plan for the site.

Furthermore, the WHC approved the request of the Philippine government for financial assistance for Emergency Technical Co-operation for the enhancement of the conservation and management of the Rice Terraces of the Philippines Cordilleras in the amount of USD 75,000.⁴⁴

Although the WHC had been encouraging the implementation of preservation efforts for the Rice Terraces, the prevailing economic and political situation hampered the attainment of favorable results. Under the presidency of Gloria Macapagal-Arroyo, the administrative structure of the Office of the President was again reorganized pursuant to E.O. No. 72. The reorganization included the abolition of the BRTTF, along with sixteen other agencies.

In March of the same year, the abolition of the BRTTF was brought to the attention of the UNESCO Advisory Bodies. The UNESCO National Commission for the Philippines suggested that the BRTTF should be absorbed not by the NCCA but by the Ifugao Provincial Governor’s Office. By April 2002, the Philippine government had offered to adopt this suggestion through the establishment of a management unit responsible for the conservation of the Rice Terraces. This was pursued under Section 2 of E.O. No. 72.⁴⁵

⁴² WHC, *supra* note 2.

⁴³ *Id.*

⁴⁴ *Id.* at 65.

⁴⁵ Exec. Order No. 72, § 2: xxx Agencies presently under or attached to the Office of the President listed in Annexes “B” and “C” hereof shall be abolished; Provided, that those listed in Annex “C” [the BRTTF was included in this List] hereof shall be abolished, subject to the following:

- (a) The Department of Budget and Management shall consult the local government units concerned for possible turnover of local or area-specific programs and projects.

The WHC, at its 26th Session in June 2002, urged the Philippines to take all steps “to ensure a smooth and efficient hand-over between the abolished Banaue Rice Terraces Task Force (BRTTF), the Governor of the Ifugao Province, who has been temporarily mandated to manage the World Heritage property, and the proposed new authority being established for the Rice terraces.”⁴⁶ The WHC also expressed its “deep concern over the situation that calls for urgent corrective measures as the fragile natural environment continues to be affected by: (1) uncontrolled construction of shelters on the Rice terraces; (2) climate-induced erosion of the Rice terraces; (3) abandonment of the Rice terraces; (4) unsustainable agricultural practices for the local communities.”⁴⁷

The Committee likewise commended the State for allocating 1 million dollars for the cultural and physical restoration of the Rice Terraces.⁴⁸

C. The Restoration and Conservation Efforts

In 2003, during its 27th Session in Paris, France, the Committee recognized that the Provincial Government of Ifugao had established the Ifugao Rice Terraces and Cultural Heritage Office (IRTCHO), supported by the NCCA. Initial funding included USD 40,000 put up by the Provincial Government for the rehabilitation of the irrigation system, and 1 million dollars allocated by the NCAA for conservation programs. The IRTCHO was now recognized to be accountable for updating and implementing the Ifugao Rice Terraces Master Plan.⁴⁹ The Ifugao Rice Terraces, however, still remained inscribed in the List of World Heritage Sites in Danger.⁵⁰

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- (b) Where the local government units concerned are willing to perform and fund the functions of the agency to be abolished, the Department of Budget and Management shall arrange for the transfer of functions, positions, personnel, and assets, as may be necessary.

⁴⁶ WHC, Decisions of the 26th Session of the World Heritage Committee (Budapest, Hungary, 24 - 29 June 2002), at 22, UNESCO Doc. WHC-02/CONF.202/25 (Aug. 1, 2002).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ WHC, State of Conservation of Properties Inscribed on the List of World Heritage in Danger and on the World Heritage List, 27th Session of the World Heritage Committee (Paris, UNESCO Headquarters, 30 June – 5 July 2003), at 29, UNESCO Doc. WHC-03/27.COM/7A (June 2, 2003).

⁵⁰ WHC, Decisions Adopted by the 27th Session of the World Heritage Committee (Paris, UNESCO Headquarters, 30 June – 5 July 2003), at 26, UNESCO Doc. WHC-03/27.COM/24 (Dec. 10, 2003).

Two years later, in the 2005 Session of the WHC in Durban, South Africa, the World Heritage Centre and Advisory Bodies, in their State of Conservation (SOC) report on the Rice Terraces, identified the main threats culled from previous reports, as: “Lack of an effective site management authority and adequate legislation, absence of a finalized strategic site management plan, diminishing interest of the Ifugao people in their culture and in maintaining the Rice terraces, lack of human and financial resources.”⁵¹

The SOC report then narrated the developments on the conservation projects for the Rice terraces that were carried out as reported by the State Party. The projects included water management, hazard management, transport development, spatial restructuring, tourism development, cultural enhancement, and livelihood development, with ample funding from the NCCA. This also included the restoration and maintenance of 42 communal irrigation systems. The report also stated that the ICOMOS and UNESCO had attributed the success of these projects to the commitment and cooperation of local stakeholders, and the adequate funding available. The ICOMOS congratulated the Philippines and UNESCO on the formulation of the Ifugao Rice Terraces Master Plan, which proposed, among others, a project on “Eco-cultural Tourism to Conserve and Enhance the Cultural and Natural Landscape of the Rice terraces.” The preservation of the Rice Terraces was also gaining more international recognition, with the Japan Bank of International Cooperation (JBIC) expressing intent to provide aid in rehabilitating the terraces.⁵²

By 2006, the Ifugao Rice Terraces had been on the list of UNESCO’s World Heritage Sites in Danger for five years. The WHC, in its 30th Session in Vilnius, Lithuania in July 2006, ordered a review of the current status of this cultural property. The reports recalled the three previous monitoring missions undertaken to monitor developments in the efforts to conserve the Ifugao Rice Terraces: The ICOMOS/IUCN Monitoring Mission in September 2001; the UNESCO Expert Mission in June 2005; and the World Heritage Center/ICOMOS/IUCN Monitoring Mission in April 2006.⁵³

⁵¹ WHC, State of Conservation of Properties Inscribed on the List of World Heritage in Danger, 29th Session of the World Heritage Committee (Durban, South Africa, 10-17 July 2005), at 40, UNESCO Doc. WHC-05/29.COM/7A, (May 27, 2005).

⁵² WHC, *supra* note 50, at 41.

⁵³ WHC, Decisions Adopted at the 30th Session of the World Heritage Committee (Vilnius, Lithuania, 8-16 July 2006), at 44, UNESCO Doc. WHC-01/CONF.208/24, (Aug. 23, 2006).

After deliberations, the Draft Decision recognized that little progress to implement plans and strategies to further the sustainability of the Ifugao Rice Terraces based on the previous missions had materialized. Although local efforts had been initiated to restore the Rice Terraces, a functioning site management mechanism had not yet been established, and existing resources were still not enough to address the problems of the Rice terraces. The Committee then recommended that zoning and land-use plans be initiated, that regulations with regard to tourism provided, and that a 5-year resource strategy plan involving the national, provincial, municipal, and barangay levels be developed.

Two years later, the Thirty Second Session in Quebec, Canada, in July 2008, after taking note of the measures initiated to restore and maintain the Ifugao Rice Terraces, re-examined the Report of the WHC's 19th Session in Berlin, Germany, where the Ifugao Rice Terraces were first inscribed in the List of World Heritage Sites. The Berlin Report inscribes the Ifugao Rice Terraces on the World Heritage List under criteria (ii), (iv) and (v), justifying that the Rice Terraces are examples of living cultural landscapes. It reads as follows:

The committee decided to inscribe this property on the World Heritage List under criteria (iii), (iv) and (v), based on the joint evaluation by ICOMOS and IUCN. The rice terraces of the Philippine Cordilleras are outstanding examples of living cultural landscapes. They illustrate the traditional techniques and a remarkable harmony between humankind and the natural environment.

The committee also congratulated the Philippine authorities for having proposed this example of a cultural landscape, thereby contributing towards improving the representative nature of this type of property on the World Heritage List.⁵⁴

After such review, the 32nd Session revised the Statement of Significance for the Rice Terraces of the Philippine Cordilleras, adopting the following statement:

The Ifugao Rice Terraces epitomize the absolute blending of the physical, socio-cultural, economic, religious, and political environment. Indeed, it is a living cultural landscape of unparalleled beauty.

⁵⁴ WHC, *supra* note 1, at 48.

The Ifugao Rice Terraces are the priceless contribution of Philippine ancestors to humanity. Built 2000 years ago and passed on from generation to generation, the Ifugao Rice Terraces represent an enduring illustration of an ancient civilization that surpassed various challenges and setbacks posed by modernization.

Reaching a higher altitude and being built on steeper slopes than many other terraces, the Ifugao complex of stone or mud walls and the careful carving of the natural contours of hills and mountains to make terraced pond fields, coupled with the development of intricate irrigation systems, harvesting water from the forests of the mountain tops, and an elaborate farming system, reflect a mastery of engineering that is appreciated to the present.

The terraces illustrate a persistence of cultural traditions and remarkable continuity and endurance, since archaeological evidence reveals that this technique has been in use in the region for 2000 years virtually unchanged. They offer many lessons for application in similar environments elsewhere.

Maintenance of the living rice terraces reflects a primarily cooperative approach of the whole community which is based on detailed knowledge of the rich diversity of biological resources existing in the Ifugao agro-ecosystem, a finely tuned annual system respecting lunar cycles, zoning and planning, extensive soil conservation, mastery of a most complex pest control regime based on the processing of a variety of herbs, accompanied by religious rituals.

Criterion (iii): The rice terraces are a dramatic testimony to a community's sustainable and primarily communal system of rice production, based on harvesting water from the forest clad mountain tops and creating stone terraces and ponds, a system that has survived for two millennia.

Criterion (iv): The rice terraces are a memorial to the history and labour of more than a thousand generations of small-scale farmers who, working together as a community, have created a landscape based on a delicate and sustainable use of natural resources.

Criterion (v): The rice terraces are an outstanding example of land-use resulting from a harmonious interaction between people and their environment which has produced a steep terraced

landscape of great aesthetic beauty, now vulnerable to social and economic changes.⁵⁵

This revised statement not only provides a comprehensive overview of the intricacies involved in caring for these centuries-old agricultural mechanism, and at a glance, the three criteria based for justifying the Ifugao Rice Terraces to be included in the List of World Heritage Sites in Danger are aptly explained.

In Seville, Spain, during the 33rd Session in June 2009, The World Heritage Commission identified a set of corrective measures that the Ifugao Rice Terraces were required to fulfill before being removed from the List of World Heritage Sites in Danger:

Corrective measures identified:

- a) Establish a functioning management mechanism at the provincial and municipal levels;
- b) Put in place zoning and land-use plans responding to community-based activities and traditional value systems;
- c) Provide regulations over tourism and infrastructure developments to encourage community based tourism which benefits the rice terraces and the local communities;
- d) Develop a resource strategy at the national, provincial, municipal and village (barangay) levels and put in place a five year plan, according to the management objectives determined in the Conservation and management plan, with top priority given to the regular maintenance and stabilization of the rice terraces and lifeline irrigation systems so as to reverse their deterioration;
- e) Establish appropriate development control procedures for development projects in the Rice terraces of the Philippine Cordilleras, including by designating the World Heritage cluster sites of the rice terraces and their supportive ecosystem (i.e. watershed system) as “environmental critical areas”, where an Environmental Impact Assessment (EIA) is required for any proposed development projects. Cultural

⁵⁵ WHC, Decisions Adopted at the 32nd Session of the World Heritage Committee (Quebec City, Canada, 2-10 July 2008), at 200-201, UNESCO Doc. WHC-08/32.COM/24, (March 31, 2009).

heritage conservation expertise should be also included in the EIA review committee;

- f) Strengthen the reforestation program to include a wider range of endemic trees species to protect the watershed system for the rice terraces and prevent the introduction of exotic species in the private or communal parts of the rice terraces.⁵⁶

In its 34th Session in Brazil in 2010, the WHC, after recalling the decisions adopted in the 32nd and 33rd sessions, acknowledged the significant progress of the State Party in addressing the threats that led to the inscription of the Rice Terraces of the Philippine Cordilleras to be inscribed in the List of World Heritage Sites in Danger.⁵⁷ The Committee also urged the State Party to continue its efforts in the restoration and rehabilitation of the Terraces, and requested the State Party to submit an updated report on the state of conservation of the property by February 2011. The Terraces, however, were retained on the List of World Heritage Sites in Danger.

By 2011, in its 35th Committee Session at the UNESCO Headquarters in Paris, the Committee, this time, noted with satisfaction, the efforts of the State Party to address the threats that plagued the Rice Terraces.⁵⁸

Finally, in 2012, at the 36th Committee Session in St. Petersburg, Russia, the Committee commended the State Party for the significant efforts to address the threats to the Terraces, and concluded that the threats to the Outstanding Universal Value of the Terraces had been addressed.⁵⁹ Thus, the Rice Terraces of the Philippine Cordilleras were removed from the List of World Heritage in Danger after nearly ten years of inclusion. The Philippines was nevertheless encouraged to continue the necessary efforts to develop and implement the community-based land-use and zoning plans

⁵⁶ WHC, Final Decisions of the 33rd Session of the World Heritage Committee (Seville, Spain, 22-30 June 2009), at 41, UNESCO Doc. WHC-09/33.COM/20, (July 20, 2009).

⁵⁷ WHC, Report of the Decisions Adopted by the World Heritage Committee at its 34th Session (Brasilia, Brazil, 25 July – 3 Aug. 2010), at 47, UNESCO Doc. WHC-10/34.COM/20, (Sept. 3, 2010).

⁵⁸ WHC, State of Conservation of the Properties Inscribed on the List of World Heritage in Danger, 35th Session of the World Heritage Committee (Paris, UNESCO Headquarters, 19-29 June 2011), at 39, UNESCO Doc. WHC-11/35.COM/7A.Add, (May 27, 2011).

⁵⁹ WHC, State of Conservation of the Properties Inscribed on the List of World Heritage in Danger, 36th Session of the World Heritage Committee (Saint Petersburg, Russian Federation, 24 June – 6 July 2012), at 41, UNESCO Doc. WHC-12/36.COM/19, (May 11, 2012).

which respond to traditional value systems, and to develop an integrated Tourism Management Plan in close cooperation with the local communities, and to pursue the adoption of a legislation requiring Environmental Impact Assessment for development projects, as well as to establish Heritage Impact Assessment procedures.

In 2014, in response to the 36th Committee Session, the Province of Ifugao, through the Ifugao Cultural Heritage Office, submitted a conservation report⁶⁰ on March 5, 2014. In this report, the Provincial Government of Ifugao declared that it is exerting earnest efforts to restore the Ifugao Rice Terraces, and at the same time preserve Ifugao culture.

Two ordinances were approved in the provincial level. First, Provincial Ordinance No. 2013-22, “An Ordinance Enacting the Ifugao Cultural Code”. One of the salient provisions of this Ordinance is to create an Ifugao Provincial Council for Cultural Heritage, which is “a policy-making body to develop policies and operational guidelines to ensure the effective implantation of conservation programs”, and to establish an Ifugao Registry of Cultural Properties that lists the cultural properties of Ifugao.⁶¹ Second, Provincial Ordinance No. 2013-21, also known as the “Ifugao Tourism Code”,⁶² provides for the creation of the Ifugao Provincial Tourism and Culture Council as the policy-recommending Body for the development of tourism in the province. This Ordinance also includes guidelines in coming up with tourism infrastructures that shall be built harmoniously with Ifugao’s natural environment.

Finally, in June 2014, at the 38th Session in Doha Qatar, the Committee recognized the continued progress achieved on the Rice Terraces of the Philippine Cordilleras, and encouraged the State Party to continue with its actions. An updated report on the state of the Rice Terraces is expected to be submitted in December 2015.⁶³

At present, although the Ifugao Rice Terraces are no longer included in the list of World Heritage Sites in Danger, local and international efforts continue to support the Rice Terraces’ integrity and sustainable management. The Ifugao province continues to be one of Luzon’s major

⁶⁰ Ifugao Cultural Heritage Office, 2014 State of Conservation Report: Rice Terraces of the Philippine Cordilleras, *available at* <http://whc.unesco.org/document/127696>.

⁶¹ *Id.* at 9.

⁶² *Id.* at 4.

⁶³ WHC, Decisions Adopted by the World Heritage Committee at its 38th Session (Doha, Qatar, 15-25 June 2014), at 75, UNESCO Doc. WHC-14/38.COM/16, (July 7, 2014).

destinations because tourists from within the country and other parts of the world flock to see this unique National Cultural Treasure.

D. Questionable Legislation: An Evaluation of the Laws that Protect the Rice Terraces

Since the 1960s, the Ifugao Rice Terraces have been recognized in Philippine laws as a National Cultural Treasure. However, existing laws are plagued with many loopholes and grey areas that account for the sluggish pace in maintaining and preserving the Ifugao Rice Terraces.

The first place to look when determining discrepancies with pieces of legislation that protect the Rice Terraces is the grounds upon which the Ifugao Rice Terraces were considered as a National Cultural Treasures. P.D. No. 260 was the first legal document that declared the “the Ifugao Rice Terraces of Banaue” and several other cultural properties as National Cultural Treasures. No reason or justification is given in the Decree for declaring them as such. P.D. No. 260 made no attempt to identify the Ifugao Rice Terraces, or any of the other cultural properties as antiques, relics, artifacts, historical sites, archaeological sites, anthropological sites, or other categories as defined by Section 3 of R.A. No. 4846. Thus, although the State did recognize the Ifugao Rice Terraces as a National Cultural Treasure, it was not clear as to which category it fell under. The term “National Cultural Treasure” as seen in R.A. No. 4846 includes a vast scope of categories, and it would be more advantageous to stakeholders if National Cultural Treasures were categorized in an objective manner.

As of this writing, there has been no attempt to establish legal documents that further justify the Ifugao Rice Terraces or the other cultural properties indicated in P.D. No. 260 as National Cultural Treasures. The only clear and comprehensive justification of the historical significance of the Ifugao Rice Terraces can be found in the UNESCO documents.

Clearly, there is a need for the Philippine legislature to come up with a nationally accepted justification for declaring the terraces as National Cultural Treasures. This clarification would provide citizens with a clearer understanding of why the terraces are significant to Philippine culture and history. Moreover, the indigenous techniques of wet rice terrace farming will also be given as much recognition as the landscape itself.

Enacting new legislation or amending existing laws, however, is a long, tedious and sometimes contentious process. While this might provide a long-term and more efficient solution, alternatives should be explored. For

instance, the Rice Terraces are not just National Cultural Treasures but also natural resources that fall under the protective umbrella of the DENR. Unfortunately, the DENR is not represented in the NCCA. Rice farming also falls within the jurisdiction of the Department of Agriculture (DA), but again, there is no representative from the DA in the NCCA. While new or amendatory legislation may rectify this, the Executive Department is in a position to provide effective and efficient solutions by the issuance of Presidential directives mandating coordination among the different government agencies with overlapping functions when it comes to the Rice Terraces. The DENR has immense police powers for the protection of the environment and natural resources which may be of great benefit to the National Cultural Treasures. In much the same way, the DA can be of great help in stimulating rice terrace farming and even improving rice farming techniques, which may contribute to fueling the economy and eventually stem urban migration.

Another angle of concern when scrutinizing Philippine laws that pertain to rice terraces is the naming of the rice terraces. Although several pieces of legislation mention “rice terraces,” they refer to different locations, which result in the ambiguous interpretation of the law.

P.D. No. 260 declares the Ifugao Rice Terraces of Banaue as National Cultural Treasures. In R.A. No. 6766 approved by President Corazon Aquino, Section 2(A), Article I provides that “[t]he ancient rice terraces in the Cordilleras are hereby declared as national treasures and part of the national heritage of the cultural communities in the area as well as the Filipino people.” The Cordilleras were supposed to consist of Abra, Benguet, Ifugao, Kalinga-Apayao and Mountain Province, and Baguio City, and all these provinces make use of wet rice terrace farming for agricultural purposes. Again, the words “ancient” and “Cordilleras” are ambiguous terms that ought to be explained. How does the law recognize these ancient rice terraces when the whole CAR is lined with different kinds of rice terraces, and the Cordilleras is a vast location to be considered?

In 1994, E.O. No. 158 also created the Ifugao Terraces Commission that aimed to formulate short-term and long-term plans for restoring rice terraces in the Municipalities of Banaue, Hungduan, Mayoyao, and Kiangan, all in the Province of Ifugao. This was the first instance of specifying the rice terraces in terms of location. The scope and limitation of the “Ifugao” Rice Terraces that were to be included in the list of National Cultural Treasures, however, is still unclear. Later on, E.O. No. 178 included the rice terraces in

the municipalities of Hingyon, Asipulo, Tinoc, Lagawe, and Aguinaldo in its coverage.

Furthermore, in 1995, the UNESCO considered the “Rice terraces of the Philippines [sic] Cordilleras” as a part of the List of World Heritage Sites. The UNESCO recognized five clusters of rice terraces: (1-2) The Rice Terrace Clusters of Banaue: Batad and Bangaan, (3) The Rice Terrace Clusters of Mayoyao: Mayoyao Central, (4) The Rice Terrace Clusters of Kiangnan: Nagacadan, and (5) The Rice Terrace Clusters of Hungduan. Seeing that not all of the rice terraces included in the coverage of the Ifugao Terraces Commission are considered by the UNESCO as World Heritage Sites, this further invites the question, “which rice terraces does the country consider as National Cultural Treasures?” Does that mean that international organizations can consider local sites as World Heritage Sites, whereas the local governments do not even consider them as National Cultural Treasures? Certainly, further refinement of the laws must be initiated or, again to avoid the complexities of the legislative process, perhaps introduce the necessary appropriate provisions in the laws’ implementing rules and regulations.

Ultimately, much still has to be considered in the government’s recognition of National Cultural Treasures. Even with the recent promulgation of the Cultural Heritage Act of 2009, there have been no attempts to come up with a justification for the Ifugao Rice Terraces as a National Cultural Treasure, nor have there been efforts to delineate the metes and bounds of the rice terraces that are considered as National Cultural Treasures. Although widely sought after, published and featured in various media, there are still blatant inconsistencies when referring to “rice terraces”. In the spirit of protecting cultural heritage, promoting unity among Filipinos, and focusing conservation, management and development efforts, these issues should be addressed with some degree of urgency.

Another inconsistency arose when President Joseph Estrada abolished the Ifugao Terraces Commission in lieu of which the Banaue Rice Terraces Task Force was established. Banaue is but a municipality in the Province of Ifugao. Other rice terraces considered as World Heritage Sites are also found in Kiangnan, Mayoyao, Hungduan, and other areas.

To add fuel to the fire, in 2002, a year after the Rice Terraces were included in the list of World Heritage Sites in Danger, then President Gloria Macapagal Arroyo abolished the Banaue Rice Terraces Task Force, which was later on reorganized into the Ifugao Rice Terraces and Cultural Heritage Office (IRTCHO), under the administration of the Provincial Government

of Ifugao. In less than a decade, the continuous reorganizations of government and the series of abolition of offices that catered to the management of the Ifugao Rice Terraces had truly hampered any efforts of sustainably managing the Rice Terraces from progressing.

Through the examination of existing Philippine laws that exist to protect the Rice Terraces, it is revealed that the current fate of the Rice Terraces largely depends on Executive Orders. While similar solutions have been suggested earlier, it cannot be denied that Presidential directives may be nullified when the Presidential term expires. The same may be said if the terraces are left in the hands of the local government units. Efforts to preserve the centuries-old rice terraces, although sincere, are lost with the restructuring of government agencies. Hence, there is definitely a need to establish a permanent government agency that caters to the specific needs of the Rice Terraces.

Although the Rice Terraces are examples of harmony among environmental, agricultural, and cultural elements, conflicts arise when assigning the rice terraces to the care of government offices. Should the maintenance of the Rice Terraces fall under the DA, or the DENR, or the NCAA? As of today, there is no continuity of presidential efforts to come up with an agency to take full responsibility for the management and care-taking of the rice terraces. Presidential commissions or agencies that have been created to spearhead the campaign to preserve the Rice Terraces have been abolished, reorganized or otherwise renamed with the election of each new president.

E. Pending Bill: A Timely Solution?

Currently awaiting Senate approval is Senate Bill No. 2008, “An Act Creating the Cordillera Terraces Authority, Defining its Powers and Functions, Providing Funds Therefor and for Other Purposes,” also known as the “Cordillera Terraces Authority of 2010.”⁶⁴ Introduced by former Senator Edgardo Angara in 2010, the bill seeks to pool together a team of representatives from each province constituting the CAR (Ifugao, Mountain Province, Abra, Benguet, Apayao and Kalinga) in an organization called the Cordillera Terraces Authority (CTA), under the auspices of the Office of the President.⁶⁵

⁶⁴ S. No. 2008, 15th Cong., 1st Sess., § 2 (2010). Cordillera Terraces Authority of 2010.

⁶⁵ § 3.

The primary function of the CTA, as stated in the bill, is to formulate a ten-year Cordillera Terraces Master Plan for the preservation and restoration of the Terraces in the Region based on guidelines that include restoration and preservation of the area's terraces taking into consideration ecological balance, rehabilitation of the age-old irrigation system, reforestation, rational land-use and zoning plan, and public consultations with local government units, non-government organizations and other stakeholders.⁶⁶

Unlike previous government entities created in previous administrations, the proposed CTA includes the Secretary of Environment and Natural Resources as a member of the Cordillera Terraces Council (CTC), the governing board and policymaking body of the CTA. With the Secretary of Tourism and the Secretary of Agriculture as Chairman and Vice-chairman respectively, other members include the Secretary of Public Works and Highways, the Secretary of Health, the Chairman of the National Commission on Culture and the Arts, the Chairman of the National Commission for Indigenous People, the Governors of Abra, Apayao, Benguet, Ifugao, Kalinga, and Mountain Province, and the Chairman of the Cordillera Regional Assembly. The CTC will be responsible for formulating policies, developing programs, promulgating rules and regulations, approving the budget, and performing other functions that may be necessary for the purposes of the said Act.⁶⁷ This proposed organization shall have a term of fifty (50) years from its effectivity, and shall be renewable for the same period unless provided for by law.⁶⁸

This bill, pending in the Senate for five years as of this writing, seems to be a promising solution to the shifting organizations that previous administrations have created. With a term of fifty years and stakeholders that represent various sectors crucial for the management of the terraces, it can be inferred that the structure of the proposed CTA is not only all-encompassing, but may also pave the way for sustainability. As of the moment, however, a solid, comprehensive and sustainable law that clearly protects the integrity of the Rice Terraces and other National Cultural Treasures has yet to materialize.

⁶⁶ S. No. 2008, 15th Cong., 1st Sess., § 5 (2010).

⁶⁷ § 7.

⁶⁸ § 4.