

## Balancing Modernization and Heritage: Insufficiency of Cultural Heritage Laws vis- à-vis the Torre de Manila Issue

*Klarika Angela C. Garcia*

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Despite the rich cultural heritage of the Philippines, issues involving arts and culture have often been treated only as a side note and rarely the determining factor in resolving cases in court.

D.M. Consunji Inc.'s (DMCI) construction of the 49-story condominium Torre de Manila, although unfinished, has obstructed the clear skyline backdrop of the Rizal Monument. It has been subjected to criticism and opposition from various cultural heritage groups and advocates. The issue was at last brought before the Supreme Court through a petition filed by Knights of Rizal.

Four years have passed since the start of the construction, and there is yet to be a decision from the Court as to whether the Torre de Manila project should be permanently halted and torn down, or whether it should be completed. On one hand, the Court cannot rule in favor of its completion without considering the State's obligation enshrined in the Philippine Constitution in protecting and conserving the nation's cultural treasures and heritage. On the other hand, the decision cannot deny DMCI due process and completely disregard the damage that DMCI might suffer if the project is ordered demolished.

When it is promulgated, it will be a landmark case — the first to tackle aesthetics and cultural heritage as a main issue. The Author argues that the lack or insufficiency of laws or their binding character with regard the protection and conservation of cultural heritage sites is the main hindrance in resolving the Torre de Manila case. It also undertakes to evaluate the possible creation of a *Writ of Pamana* or *Kasaysayan* as a remedy for future cases involving the nation's historical and cultural wealth vis-à-vis the State's

constitutional obligation in the protection and conservation of historical and cultural heritage.