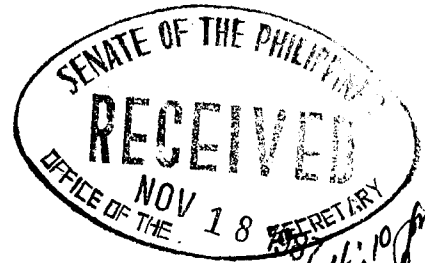


28

REPUBLIC OF THE PHILIPPINES
CONGRESS OF THE PHILIPPINES
S E N A T E
M A N I L A



FIRST REGULAR SESSION

S. NO. 205

Introduced by Senators Heherson T. Alvarez
Edgardo J. Angara
Joseph E. Estrada
Santanina T. Rasul

EXPLANATORY NOTE

Republic Act No. 4165, entitled "An Act creating the National Commission on Culture and providing funds therefor," sponsored by Senator Maria Kalaw Katigbak, was approved and enacted by the Fifth Congress of the Philippines during its Third Session on August 4, 1964. The members of the National Commission on Culture were appointed by President Diosdado Macapagal, but were bypassed by the Commission on Appointments when President Ferdinand Marcos was elected in 1965.

Today, after the term of Marcos, the Philippines has a chance to recapture the vision that was behind the drafting and passing of that historic law creating a National Commission on Culture.

Our people's culture and our people's arts are among the most invaluable and most powerful resources that we have. The creative spirit of our people, manifested in the artistic artifacts that were part and parcel of the EDSA revolution, has enable our country to progress and to keep progressing despite natural and man-made calamities. Above all, it is our spirit as a people that makes us what we are, and above all, it is our culture and our arts that enhance, develop and manifest our spirit.

The Constitution, in its Declaration of Principles and State Policies, mandates that the State shall give priority to arts and culture (Art. II, Sec. 17). The Constitution elaborates on this declaration through five separate sections of Article XIV, viz., Sections 14, 15, 16, 17 and 18.

In this as in other matters, Congress is mandated to give flesh and blood to the spirit of the Constitution. The proposed National Commission on Culture is both a return to the vision of 1964 and a fulfillment of the promise of 1986. This bill keeps the essential features of the 1964 National Commission on Culture, while adding refinements demanded by the changed

situation in the arts and culture of the country. In particular, this bill introduces the concept of independent funding of the arts, through a National Endowment Fund for Culture and the Arts, similar to funding agencies in many other countries.

The bill also institutionalizes the role of the private sector in the promotion and management of arts and culture in the country. By restricting membership in the National Commission on Culture to private individuals who hold no other government office aside from membership in the Commission itself, the bill recognizes that government should take only a supportive role in the light of the private sector's commitment to, and expertise in, the arts. Furthermore, by democratizing the nominating process for membership in the Commission, the bill institutionalizes the idea of people power as applied to culture and the arts.

Edgardo J. Angara
EDGARDO J. ANGARA
Senator

Heheron T. Alvarez
HEHERSON T. ALVAREZ
Senator

Joseph E. Estrada
JOSEPH E. ESTRADA
Senator

Santanina T. Rasul
SANTANINA T. RASUL
Senator

Senate Archives

REPUBLIC OF THE PHILIPPINES
CONGRESS OF THE PHILIPPINES
S E N A T E
M a n i l a

FIRST REGULAR SESSION

S. NO. 205



Introduced by Senator Heherson T. Alvarez,
Senator Edgardo J. Angara and
Senator Joseph E. Estrada
Senator Santanina T. Rasul

AN ACT
ORDERING THE IMMEDIATE ORGANIZATION OF THE NATIONAL
COMMISSION ON CULTURE CREATED UNDER REPUBLIC ACT NO.
4165 AND PROVIDING FOR A NATIONAL ENDOWMENT FUND FOR
CULTURE AND THE ARTS, THEREBY AMENDING REPUBLIC ACT
NO. 4165.

Be it enacted by the Senate and House of
Representatives in the Philippines in Congress assem-
bled:

SECTION 1. In order to implement and carry out
effectively the constitutional provision that arts and
letters shall be under the patronage of the State, and
that the State shall conserve, promote, and popularize
the nation's historical and cultural heritage and
resources, the immediate organization of the National
Commission on Culture, hereinafter referred to as the
Commission, created under Republic Act No. 4165, to be
composed of a High Commissioner of Culture and
eighteen (18) other members representing various art
and culture sectors, who shall be appointed by the
President of the Philippines with the consent of the
Commission on Appointments, is hereby ordered:
Provided, That all living National Artists shall be
additional members of the Commission ex-officio.

In the appointment of the members of the
Commission, every form of Philippine arts and letters,

namely, music, theater, painting, sculpture, dance, architecture, tribal or folk arts, cinema, television, and radio, as well as other cultural specializations, namely, arts education, cultural administration, cultural anthropology, cultural history, and language studies, shall have one representative each, and the remaining two (2) members who shall represent the public shall be chosen from those known for their active patronage of Philippine arts and culture: Provided, That none of the members may hold any other government office, whether elective or appointive, except ex-officio members who by their functions are directly required in the Commission.

To constitute the Commission, the President shall create a Search Committee of at least fifteen (15) private citizens who are nationally known for their dedication to, support for, or expertise in the arts and culture. All living National Artists are ex-officio members of the Search Committee in addition to the citizens herein named. The members of the Search Committee shall not be eligible for membership in the Commission: Provided, however, That the National Artists are not subject to this restriction, being ex-officio members of the Commission.

The Search Committee shall accept nominations from any and all duly-constituted organizations, institutions, and/or corporations in the arts and culture, and shall present the best three nominees per category of membership to the President: Provided, That the Search Committee should take care that all regions are represented in the short list of final nominees for the positions. The President shall

appoint with the consent of the Commission on Appointments, the High Commissioner of Culture and the non ex-officio members of the Commission only from among the nominees selected by the Search Committee.

The High Commissioner of Culture shall be the Chairperson and executive officer of the Commission and shall serve for a term of six (6) years with a compensation of two hundred thousand (P200,000) pesos per annum.

The members of the Commission shall serve for a term of six (6) years and shall receive a per diem of five hundred (P500.00) pesos for actual attendance in the meeting of the Commission but not to exceed five thousand (P5,000) pesos a month: Provided, That the first nine (9) members to be appointed under this Act, of each representative group, shall serve for a term of three (3) years and the other nine (9), for a term of six (6) years.

In the event that the High Commissioner of Culture or any other member of the Commission shall not serve his or her full term, his or her replacement shall be initially appointed only for the unexpired portion of the term, without prejudice for reappointment to a full term.

After the High Commissioner of Culture or any member of this Commission shall have served his or her full term, he or she shall not be reappointed and shall be ineligible for any subsequent appointment to the Commission in any capacity whatsoever: Provided, That he or she may compete for grants and award after his or her term on the same level as other artists: Provided also, That, during his term as a member of

the Commission, he or she shall not be eligible for any grant, award, or other such financial aid from the Commission as an individual.

For administrative purposes, the Commission shall be under the supervision of the President of the Philippines.

The High Commissioner of Culture shall advise the President in all matters involving culture and the arts. He or she shall sit as a non-voting member of the Cabinet.

SEC. 2. The Commission shall have the following functions:

1. To establish an integrated and coordinated national commission on culture;

2. To awaken a nationalist consciousness of, and define a nationalist orientation towards, our own culture, by emphasizing the search for knowledge of, and the growth of appreciation for, the genuinely creative rather than the merely imitative, as well as the native and indigenous, rather than, but not exclusive of, the imported or foreign elements and components of our material and artistic culture;

3. To develop in our people an intensified awareness of and appreciation for our own culture and its historical and contemporary implications, with accent on what we have naturally assimilated and what we can creatively express;

4. To stimulate interest in cultural pursuits and activities among our people; to cultivate and enhance public appreciation of distinctive Philippine arts in their various manifestations; to encourage original literary and artistic production along higher

standards and towards loftier goals; to create wider opportunities for individual and national self-expression in the cultural sphere; and to fill popular cultural needs in various forms and in a manner to fit the varying requirements of the young and the old alike and of the different levels of our society;

5. To foster a sense of national identity and pride through the conservation and promotion of our cultural patrimony and our national heritage;

6. To develop and guarantee a climate of freedom and support for the multicultural and pluralistic growth of all forms of art;

7. To implement measures to protect the intellectual rights and properties of Filipino artists, including but not limited to the revision of the copyright law; to suggest legislation to Congress on matters concerning the arts and culture;

8. To manage the National Endowment Fund for Culture and the Arts (NEFCA);

9. To work with the Department of Education, Culture, and Sports, to establish and develop an intensified arts education program at all levels of the educational system, to ensure meaningful arts integration across the school curriculum;

10. To work with other government and non-governmental agencies, particularly those involved in mass media, to awaken arts and culture consciousness and appreciation in our people; to coordinate the activities of all cultural agencies set up or funded by public funds, including but not limited to the National Museum, the National Library, the National

Historical Institute, the National Archives, the Institute of Philippine Languages, the Cultural Center of the Philippines, the Folk Arts Theater, the Manila Film Center, the Metropolitan Museum, the Manila Metropolitan Theater, the Museum of Philippine Art, the Makiling Arts Centre, the Nayong Pilipino, the Intramuros Administration Complex, and the Children's Museum and Library;

11. To arrange for and encourage the organization or staging of periodic competitions, exhibitions, performances, and media events, in different parts of the country, both for public benefit and for the discovery, development, and display of individual talents, group initiative and accomplishments, and activities conducive to making literary and artistic pursuits richly rewarding;

12. To organize a program of research and training and to help establish workshops with a view to the revival of traditional or distinctively Philippine arts and crafts and to make use of and extend assistance to such institutions as may now be engaged in pioneering work or as may be qualified to participate in such program in order to provide training and laboratory facilities for both amateurs and professionals engaged in creative literary and artistic endeavors;

13. To provide scholarships and travel grants to deserving talents in arts and letters;

14. To regulate, manage, or promote the entry into the country of artists of accepted integrity for the exhibition and performance of their talents;

15. To extend recognition and support through publication, exhibitions, festivals, awards, grants and subsidies to individual artists and cultural groups that are or may hereinafter be organized;

16. To extend short-term loans and/or seed grants to individual artists and to legitimate cultural groups undertaking cultural activities in consonance with the purpose of this Act, under such terms and conditions that may be provided by the Commission;

17. To promote and encourage the foreign exposure of Filipino artists and creative works; to promulgate standard and guidelines for the protection of Filipino artists and cultural workers overseas;

18. To receive and accept donations and other conveyance by gratuitous title of funds, materials, or services for its general use to the furtherance of its program, or for administration purposes;

19. To call upon different agencies of the government for such assistance and service as it may require in the discharge of its responsibility;

20. To promulgate the necessary rules and regulations to carry out the desired objectives of this Act.

SEC. 3. The Commission shall organize an administrative and research staff, to be headed by an Executive Director, and to fix the qualifications and requirements for the positions to be created and their corresponding salaries. The Commission shall appoint the Executive Director upon nomination by the High Commissioner of Culture who shall appoint all other personnel that may be deemed necessary to carry

out the work of the organization, subject to the approval of the Commission. Not more than twenty percent (20%) of the funds available to the Commission, at the time an annual budget is prepared, shall be devoted to administrative purposes.

SEC. 4. The Commission shall organize a network of regional consultants, composed of persons committed to the arts in their respective regions, who shall assist the Commission in its functions. These consultants shall inform the Commission of cultural programs and cultural needs of their respective regions. The Commission may request the assistance of these consultants in evaluating proposals for funding submitted to the National Endowment for Culture and the Arts. In addition, the Commission shall adopt policies and create mechanisms which will enable it to support artistic and cultural activities and movements on the provincial and municipal levels.

SEC. 5. It shall be the first duty of the Commission, within three months after having been officially constituted and finally staffed, to prepare, adopt and implement a short-range program of activities that is responsive to the immediate needs of the country and in support of existing programs in other cultural and international relations promotions fields; and within six months, a long-range program to cover an initial program of at least three years, which shall be subject to review and necessary revision at the end of every year.

SEC. 6. In the implementation of the programs that it may adopt, the Commission shall, supplementary to its own undertakings and activities, enlist the

cooperation of all such other institutions as may be in a position to assist in its task; assign cultural projects and missions and make available the necessary funds for the purpose to enable them to undertake their assigned projects and activities; and provide for supervision and close liaison.

SEC. 7. The Commission may establish and generate resources for a National Endowment Fund for Culture and the Arts (NEFCA), which shall hereafter be referred to as the Fund.

1. The Fund shall be managed and administered exclusively for cultural and artistic programs and projects, and no part of the fund may be used to underwrite overhead expenses for administration;

2. The Administrator of the Fund shall be the High Commissioner of Culture, who shall receive no added compensation for administering the Fund; Provided, however, That all grants, awards, loans, and other such decisions shall have to be approved by the Commission meeting en banc;

3. The private portion of the Fund shall be raised from donations and other conveyances by gratuitous title of funds, materials, or services which the Commission is empowered to receive and accept;

4. The Commission shall prepare the implementing guidelines and decision-making mechanisms covering the administration of the National Endowment Fund.

SEC. 8. The Presidential Commission on Culture and Arts, created by Executive Order Numbered One hundred eighteen, shall serve as an advisory body to

the Commission, with neither body being subordinate to the other, and shall facilitate inter-agency cooperation in support of the projects and programs of the Commission;

SEC. 9. All donations, contributions, subsidies or aid which from time to time may be made to the Commission shall be considered allowable deductions on the income of donors or givers for income tax purposes.

SEC. 10. For the permanent support of the Commission, the equivalent of five percent (5%) of the total annual collections of all taxes on amusements and the equivalent of thirty percent (30%) of all taxes on cinema production, distribution, and/or exhibition is hereby set aside and appropriated for the yearly maintenance and support of the Commission.

SEC. 11. The sum of ten million (P10,000,000) pesos is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, to be made available upon approval of this Act to enable the Commission to carry out its functions under this Act. Half of this amount shall constitute the initial outlay for the National Endowment Fund for Culture and the Arts.

SEC. 12. All laws, executive orders, proclamations, presidential decrees, rules, regulations and other issuances or parts thereof contrary to the provisions of this Act are hereby repealed.

SEC. 13. If any part or section of this Act shall be declared unconstitutional, such declaration

shall not invalidate the other provisions thereof.

SEC. 14. This Act shall take effect upon its approval.

Approved,

OLS/HMO/fcao
11/11/87

Senate Archives (LRAS)