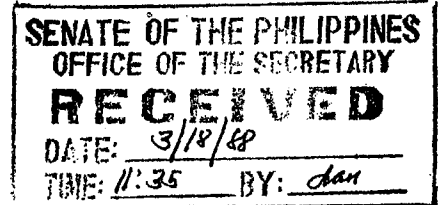


Congress of the Philippines)
First Regular Session)



S E N A T E

S. NO. 363

INTRODUCED BY SENATORS SHAHANI AND ANGARA

EXPLANATORY

This bill gives substance to the provisions contained in the Constitution concerning culture. The Constitution, in its Declaration of Principles and State Policies, mandates that the State shall give priority to arts and culture, in order, among other objectives, to foster patriotism and nationalism, accelerate social progress, and promote local human liberation and development (Art. II, Section 17).

Further, our charter elaborates on this declared state policy and devotes five (5) more provisions in pusuance thereof. Thus, the Constitution states in Article XIV:

"Section 14. The State shall foster the preservation, enrichment and dynamic evaluation of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression.

Section 15. Arts and letters shall enjoy the patronage of the State. The State shall conserve, promote and popularize the nation's historical and cultural heritage and resources, as well as artisitic creations.

Section 16. All the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the protection of the State which may regulate its disposition.

Section 17. The State shall recognize, respect and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national plans and policies.

Section 18. (1) The State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, scholarships, grants and other incentives and community cultural centers and other public venues.

(2) The State shall encourage and support researches and studies on the arts and culture."

The bill also provides for a structure and organization that shall implement national policies on culture and the arts, namely a National Commission on Culture and the Arts (NCCA) which shall primarily conserve and promote our national heritage, guarantee a climate of freedom and responsibility, provide support and dissemination frameworks for all forms of artistic and cultural expressions, and preserve and integrate traditional culture and its various creative expression as dynamic part of the national cultural mainstream.

The National Commission on Culture and the Arts proposed in this bill strengthens the Presidential Commission on Culture and the Arts (PCCA) which was created by Executive Order No. 118. The basic structure of the presidential commission has been retained. Both the PCCA and the proposed NCCA avoid the creation of additional bureaucracy for the implementation of the programs

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and projects that support the policies formulated by the commission. Implementation of the programs enlists the participation and involvement of existing government agencies such as the National Museum, the National Historical Institute, the National Library, the Cultural Center of the Philippines, etc. which have for a long time been discharging functions related to the promotion and encouragement of culture and the arts in behalf of the government.

The bill underscores the active involvement and close coordination between the government and the private sectors in promoting the interest of arts and culture, as well as the democratic process of selecting the members of the commission and the national councils for the various arts sectors and cultural fields.

The bill, in addition, provides for the creation of the National Endowment Fund for Culture and the Arts, from monies raised, again by both the government and the private sector, as well as mechanism to maximize the participation of non-governmental institutions and individuals in our effort to preserve, revitalize and develop Philippine culture and the arts.

The sponsors of this bill wish to reiterate that in the preparation of the draft of this bill which underwent several revisions, a series of consultations with artists and cultural workers from the provinces as well as Metro Manila were held to

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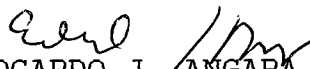
Explanatory Note
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best embody in the provisions of this bill the spirit and the intention of the philosophy of culture which the Filipino artists and cultural workers themselves articulated and formulated.

The adoption of this bill is earnestly requested.



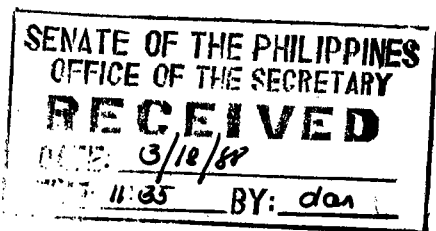
LETICIA RAMOS SHAHANI
Senator



EDGARDO J. ANGARA
Senator

Senate Archives (RAS)

Congress of the Philippines)
First Regular Session)



SENATE
S. NO. 363

AN ACT CREATING THE NATIONAL COMMISSION FOR CULTURE
AND THE ARTS AND FOR OTHER PURPOSES.

SECTION 1. Title- This Act shall be known as the
"Law Creating the National Commission for Culture and
the Arts.

TITLE I

DECLARATION OF PRINCIPLES

SECTION 2. Culture as a Human Right. - Culture
is a manifestation of the freedom of belief and of
expression and is a human right to be accorded due
respect and allowed to flourish.

SECTION 3. National Cultural Identity. - A
Filipino national culture that mirrors and shapes
Philippine economic, social and political life shall be
evolved, promoted and conserved.

SECTION 4. Culture of the People. - The Filipino
national culture shall be: (a) independent, free of
political and economic structures which inhibit
cultural sovereignty; (b) equitable, effectively
distributing cultural opportunities and correcting the
imbalance that has long prejudiced the poor and other
marginalized sectors who have the least opportunities

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for cultural development and educational growth; (c) dynamic, continuously developing in pace with scientific, technological, social, economic and political changes both in national and international levels; (d) progressive, developing the vast potential of all Filipinos as responsible change-agents of society; and (e) humanistic, ensuring the freedom and creativity of the human spirit.

SECTION 5. Culture by People.- The Filipino national culture shall be evolved and developed by the people themselves in a climate of freedom and responsibility. National cultural policies and programs shall be formulated which shall be: (a) pluralistic, fostering deep respect for the cultural identity of each locality, region or ethno-linguistic community; (b) democratic, encouraging and supporting the participation of the vast masses of our people in its programs and projects; (c) non-partisan, open to all people and institutions regardless of creed, affiliation, ideology, ethnic origin, age, gender or class, with no organized group or sector having a monopoly of its services; and (d) liberative, being concerned with the decolonization and emancipation of the Filipino psyche in order to ensure the full-flowering of Filipino culture.

SECTION 6. Culture for the People.- The creation

of artistic and cultural products shall be promoted and disseminated to the greatest number of our people. The level of consciousness of our people about our own cultural values in order to strengthen our culture and to instill nationhood and cultural unity, shall be raised formally through the educational system and informally through extra-scholastic means, including the use of traditional as well as modern media of communication.

SECTION 7. Preservation of the Filipino Heritage.

It is the duty of every citizen to preserve and conserve the Filipino historical and cultural heritage and resources. The retrieval and conservation of artifacts of Filipino culture and history shall be vigorously pursued.

TITLE II

ORGANIZATION OF THE NATIONAL COMMISSION FOR CULTURE AND ARTS AND THE ESTABLISHMENT OF THE NATIONAL ENDOWMENT FUND

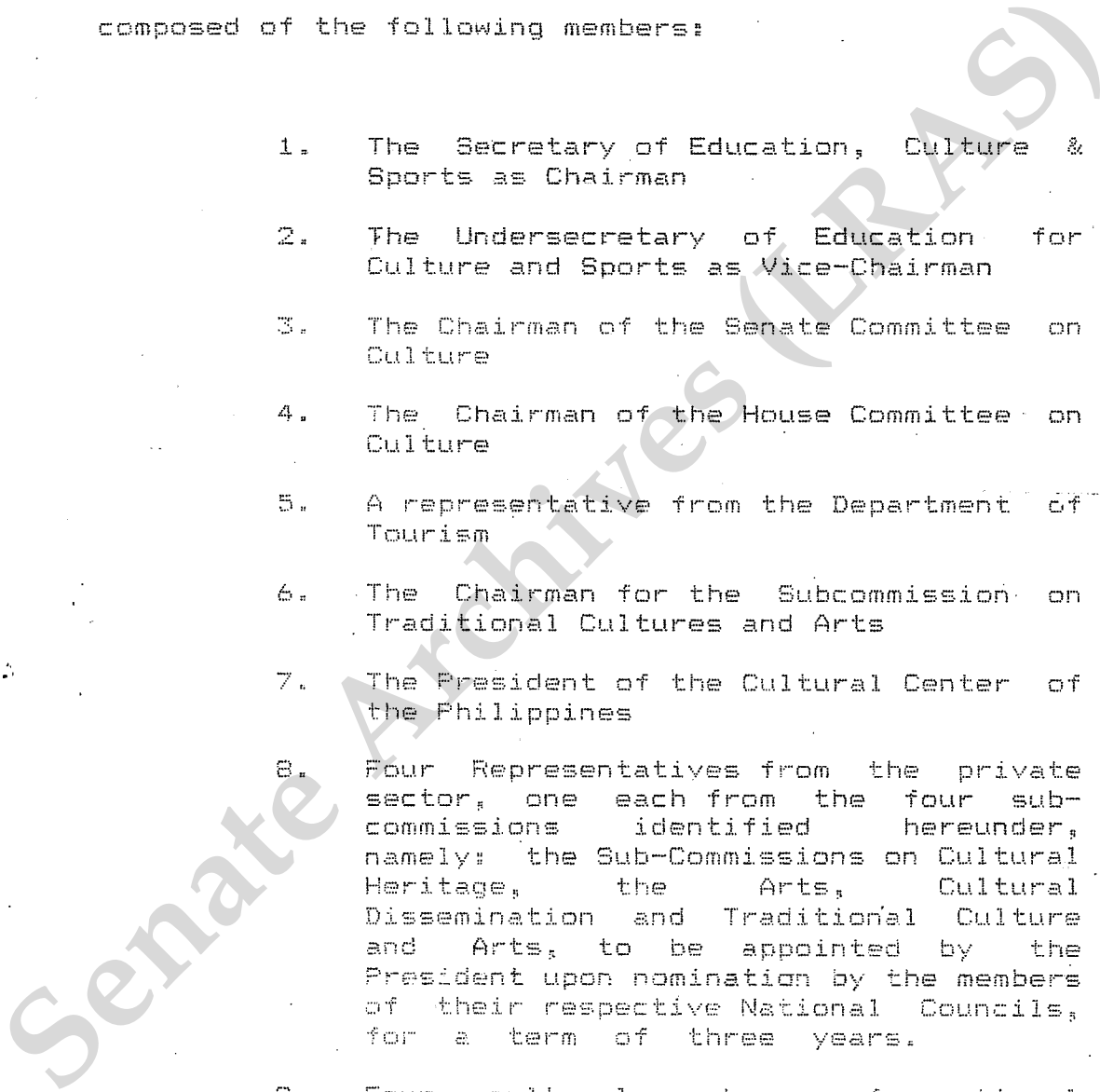
SECTION 8. The Commission.- A National

Commission on Culture and the Arts is hereby created to formulate and implement policies and programs, to enforce laws, rules and regulations and to exercise certain regulatory powers to encourage artistic creation and develop and promote the Filipino national culture and arts, to preserve Filipino cultural heritage and to administer a National Endowment Fund for Culture

and the Arts to be derived from both public and private funds. The Commission shall be an independent agency. It shall render an annual report of its activities and achievements to the President and to Congress.

SECTION 9. Composition.- The Commission shall be composed of the following members:

1. The Secretary of Education, Culture & Sports as Chairman
2. The Undersecretary of Education for Culture and Sports as Vice-Chairman
3. The Chairman of the Senate Committee on Culture
4. The Chairman of the House Committee on Culture
5. A representative from the Department of Tourism
6. The Chairman for the Subcommission on Traditional Cultures and Arts
7. The President of the Cultural Center of the Philippines
8. Four Representatives from the private sector, one each from the four sub-commissions identified hereunder, namely: the Sub-Commissions on Cultural Heritage, the Arts, Cultural Dissemination and Traditional Culture and Arts, to be appointed by the President upon nomination by the members of their respective National Councils, for a term of three years.
9. Four cultural workers of national stature representing different regions and areas of interests from the private sector, to be appointed by the President upon the nomination by the Sub-Commissions for a term of three years.

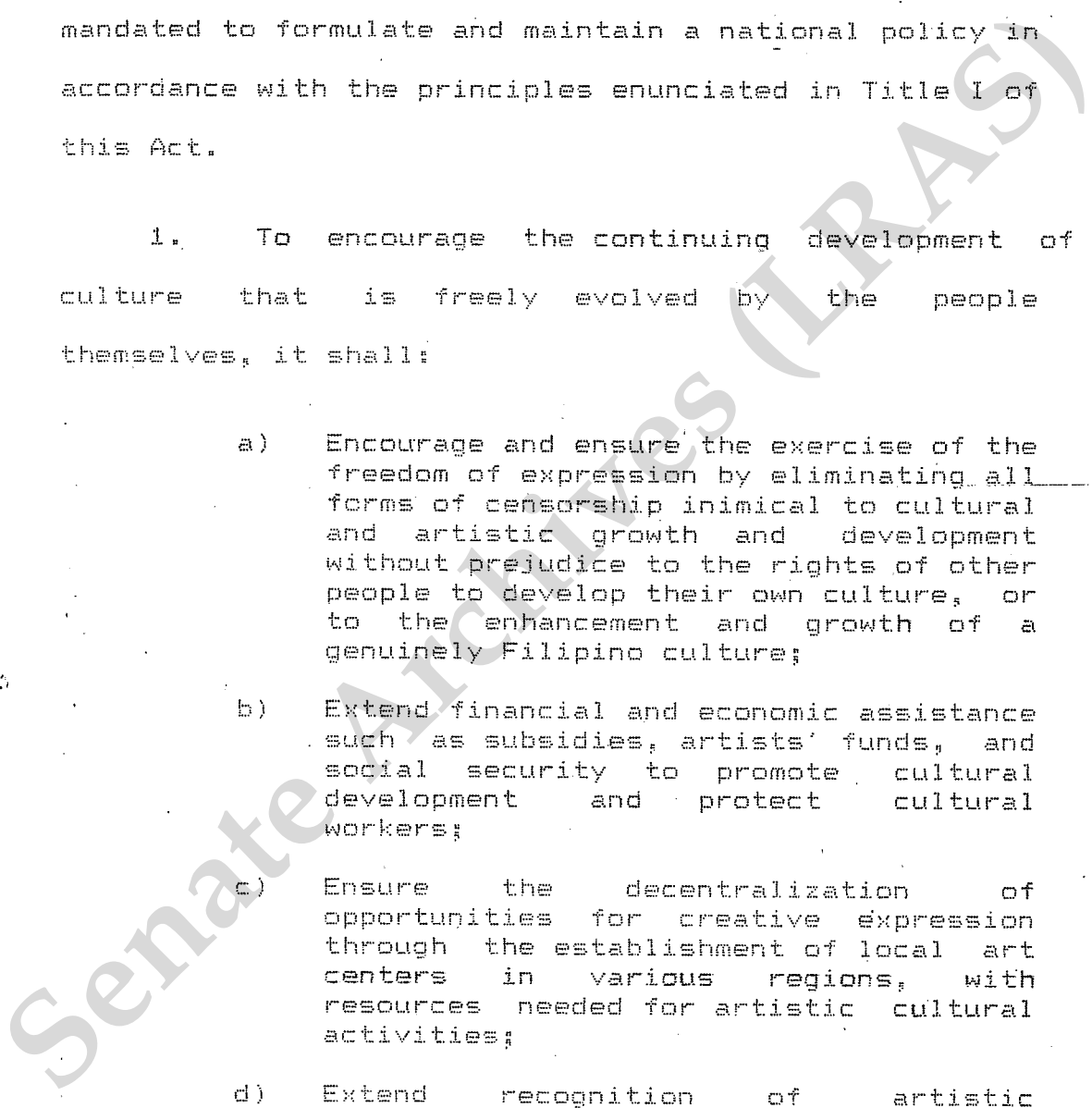


The members of the Commission shall serve without compensation but shall be entitled to per diems and allowances for actual expenses for representation and transportation.

SECTION 10. Mandate.- The Commission is hereby mandated to formulate and maintain a national policy in accordance with the principles enunciated in Title I of this Act.

1. To encourage the continuing development of a culture that is freely evolved by the people themselves, it shall:

- a) Encourage and ensure the exercise of the freedom of expression by eliminating all forms of censorship inimical to cultural and artistic growth and development without prejudice to the rights of other people to develop their own culture, or to the enhancement and growth of a genuinely Filipino culture;
- b) Extend financial and economic assistance such as subsidies, artists' funds, and social security to promote cultural development and protect cultural workers;
- c) Ensure the decentralization of opportunities for creative expression through the establishment of local art centers in various regions, with resources needed for artistic cultural activities;
- d) Extend recognition of artistic achievement through awards, grants and services to artists and cultural groups which contribute significantly to the Filipino's cultural legacy;



- e) Promote the interests and welfare of artists and cultural workers by protecting their rights to intellectual and artistic properties as well as by encouraging the formation of artists' associations which shall promote and protect the economic and moral rights of artists all over the country;
- f) Encourage and support research into Philippine artistic traditions which may be adopted for the creation of contemporary art forms.

2). To conserve and promote the nation's historical and cultural heritage and resources, it shall:

- a) Initiate, support and systematize the retrieval and conservation of artifacts of Filipino culture and history and all Filipino cultural treasures from all over the archipelago and other countries;
- b) Initiate and support the study, recognition and preservation of human cultural resources (like weavers, dancers, chanters and other craftsmen) whose artistic, linguistic and occupational skills are threatened with extinction;
- c) Coordinate, support and promote the establishment and preservation of cultural and historical monuments, markers, names and sites;
- d) Establish and/or maintain museums at least in known national and provincial centers to showcase the best cultural and/or historical artifacts of the Philippines;
- e) Establish and/or maintain all over the country, libraries and archives to serve as repositories of all printed works, archival records and all other materials indispensable to the study and

evaluation of Philippine culture and history;

- f) Encourage the private sector to establish and maintain private libraries and museums;
- g) Initiate and support scholarly research into and documentation of significant cultural movements, achievements and personalities especially in the literary, visual and performing arts and in mass media, as well as in the various aspects of Filipino national culture;
- h) Encourage the writing of Philippine history from the Filipino perspective;
- i) Initiate, support and systematize the audio-visual documentation of Filipino cultural expressions in the contemporary period.

3. To promote and disseminate artistic and cultural products to the greatest number of our people, it shall:

- a) Design a program of cultural education for implementation by the Departments of Education, Culture and Sports, Tourism and Foreign Affairs and all other concerned government agencies;
- b) Establish, implement and coordinate programs for the publication, exhibition, production, performance and reproduction of original Filipino creations;
- c) Plan, implement, coordinate and provide technical and/or financial assistance for cultural events and related activities such as cultural festivals, lectures, seminars, fora and symposia;
- d) Establish and supervise a comprehensive translation program, which shall involve the translation of works by Filipinos into the national language and other

Philippine language, as well as into any foreign language; and the translation of foreign works into the national language and other Philippine language;

- e) Coordinate and/or develop linkages with other government agencies and bodies, and with private and non-government organizations and institutions to promote the popularization of cultural achievements and programs;
- f) Reorient tourism programs such that tourism functions as an instrument for popular education, in recognition of the need to make our people as the primary audience for cultural programs prepared for tourism purposes;
- g) Undertake a systematic collection of statistical and other data which reflect the state of cultural conditions in the country, to serve as essential and quantitative and qualitative basis for formulating cultural policies;
- h) Seek a judicious balance in the production, dissemination and circulation of cultural information, to create a whole range of varied, interacting approaches enabling each culture to transmit messages expressing its own knowledge of itself and the affairs of the world and to receive in turn messages reflecting this diversity;
- i) Encourage and support the continuous training of cultural workers and administrators by qualified trainers;
- j) Provide opportunities for and facilitate the exposure of Filipino artists, cultural workers and audiences to the cultures of the world through a sustained program of international cultural exchange.

4. To preserve and integrate traditional culture and its various creative expressions as a dynamic part of the national cultural mainstream, it shall:

- a) Set up on the national and regional levels companion systems to develop traditional culture, such as craft centers, where exponents of living arts and crafts can practice and teach their art and enrich contemporary design;
- b) Set up programs to supervise, encourage, and subsidize the practice of the arts and crafts in community settings apart from the usual museum settings;
- c) Encourage the retrieval of cultural practices and information (e. g. folklore, dance, music, crafts) through students, teachers and cultural researches and their revitalization by practice and performance;
- d) Identify clearly and comprehensively the collective cultural treasures of the people, such as traditional art forms, human talents and skills, cultural and artistic expressions like rituals, dances, musical and literary performances, festive celebrations;
- e) Ensure that the ultimate beneficiaries of scholarly research are the people and the communities that are the subjects of research;
- f) Ensure that all research efforts, tourism programs and other activities affecting cultural communities nurture rather than violate, damage or exploit the culture of these communities;
- g) Ensure that relevant information are made available to legislators who introduce laws with cultural implications or affecting cultural communities.

SECTION 11. Powers and functions.- To carry out its mandate, the Commission shall exercise the following powers and functions:

- 1) Establish an Executive Committee composed of

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three to five members elected by the Commission from among themselves to exercise powers which the Commission may delegate to it. Any decision by the Executive Committee shall be effective unless disapproved by the Commission;

2) Establish a secretariat, under an Executive Director, to be appointed by the Commission, for the administrative and day-to-day operations of the Commission;

3) Conduct consultations and meetings with individuals and groups of various cultural sectors to establish and strengthen the national councils, as well as to ensure the people's participation in the formulation of national cultural policies;

4) Encourage through the national councils such participation as may be appropriate in the formulation of strategies, policies, plans, programs, projects, funding requirements and organizational changes for each cultural sector;

5) Promulgate and enforce such rules and regulations, and carry out such activities as may support the preservation of cultural heritage and the development and promotion of Philippine culture and the arts;

6) Coordinate with various government and non-government artistic and cultural institutions and agencies, and call upon any department, bureau, office or agency of the government for assistance in any form, which shall forthwith be furnished or accomplished by such government units;

7) Implement measures to address the most urgent of people's cultural needs which may be recommended by ad hoc committee, study groups, seminar-workshops, conferences, and other such groups and/or events, especially formed and/or convened to discuss and make appropriate recommendations on issues for possible courses of action;

8) Generate resources, both from the government and private sector, local, national and international, including the National Endowment Fund, as may be appropriate in the development, protection, preservation, or dissemination of Philippine culture and the arts;

9) Regulate activities that may be inimical to the preservation and conservation of national cultural heritage and properties or which may constitute a

violation against or exploitation and damage to local or national cultures;

10) Issue such other rules, regulations and other issuances as may be necessary to ensure the effective implementation of the provisions of this Act;

11) Do any and all acts necessary and appropriate to implement the mandate provided in Section 9.

SECTION 12. National Endowment Fund.- A National Fund for Culture and the Arts, the "Fund" is hereby established. It shall be funded through resources both from the private and the public sectors.

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

2. The private portion of the Fund shall be raised from donations and other conveyances including materials, property and services, by gratuitous title, which the Commission is empowered to received and accept. Contributions to the Fund shall be fully deductible for income tax purposes;

SECTION 13. National Councils.- To help carry out its mandate and objectives, the Commission shall initiate the formation, operation, maintenance and coordination of the following twenty (20) national councils grouped into the following four (4) sub-commissions:

A. Sub-Commission on Cultural Heritage:

1. National Council on Libraries and Information Services
2. National Council on Archives
3. National Council on Museums and Galleries
4. National Council on Monuments and Sites

B. Sub-Commission on the Arts:

5. National Council on Literary Arts
6. National Council on Visual Arts
7. National Council on Architecture
8. National Council on Dramatic Arts
9. National Council on Broadcast Arts
10. National Council on Musical Arts
11. National Council on Dance
12. National Council on Film

C. Sub-Commission on Cultural Dissemination:

13. National Council on Language and Translation
14. National Council on Cultural Events
15. National Council on Cultural Education and Information

D. Sub-Commission For Traditional Culture and Arts:

16. National Council on Agta Culture and Art
17. National Council on the Cultures and Arts of Northern Cultural Communities
18. National Council on the Cultures and Arts of Central and Southern Cultural Communities
19. National Council on the Muslim Cultural Communities
20. National Council on Lowland Christian Cultures and Arts

To ensure broad participation by the private sector as well as adequate regional representation, the members of the national councils, who shall serve

without compensation, shall be elected by artists and cultural groups of each respective sector.

The members of the national councils shall initiate and monitor the preservation, conservation, and promotion of local cultures in their respective areas. They shall be autonomous in the implementation of local cultural programs but shall coordinate with the Commission regarding general and national cultural policies and thrusts.

SECTION 14. National Advisory Board.- The Chairpersons of the twenty (20) National Councils shall form the National Advisory Board to the Commission. The specific functions of the Board shall be delineated under the implementing rules and regulations that will be formulated by the Commission.

SECTION 15. Structure and Pattern.- The position structure and staffing pattern of the Commission shall be approved and prescribed by the Commission within one hundred twenty (120) days from the approval of this Act.

TITLE III

MISCELLANEOUS PROVISIONS

SECTION 16. Notice or Consent Requirement.- If any organizational change herein authorized is of such substance or materiality as to prejudice third persons with rights recognized by law or contract such that

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notice to or consent of said persons or creditors is required to be made or obtained pursuant to any agreement entered into with any of such creditors, such notice or consent requirement shall be complied with prior to the implementation of such organizational change.

SECTION 17. Funding.- The amount of Ten Million (P10,000,000) is hereby appropriated annually from the General Fund not otherwise appropriated by law, for the administrative and operational expenses of the Commission. In the succeeding years therefrom, an appropriation shall be included in the General Budget.

The additional amount of Twenty Million Pesos (P20,000,000) is hereby appropriated as seed capital or an initial contribution of the government to the Fund.

SECTION 18. Transfer of Assets and Liabilities.- All properties, assets and liabilities of the Presidential Commission on Culture and the Arts are hereby transferred to the Commission as its successor-in-interest.

SECTION 19. Separability.- Any portion or provision of this Act that may be declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portions or provisions can still subsist and be given effect in their entirety.

SECTION 20. Saving Clause.— All laws, rules, regulations, other issuances or parts thereof which are inconsistent with this Act, are hereby repealed or modified accordingly. All provisions of Executive Order No. 118 not inconsistent with this Act shall however remain in full force and effect.

SECTION 21. Effectivity.— This Act shall take effect immediately upon its approval.

APPROVED

Senate Archives (LRAS)