



'22 SEP 28 A9:00

SENATE

S. No. 1352

RECEIVED BY:

Introduced by Senator MANUEL "LITO" M. LAPID

AN ACT
MAINTAINING AND PRESERVING FILIPINO FILMS, CREATING THE
NATIONAL FILM ARCHIVE OF THE PHILIPPINES, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

In an article on audio-visual archiving published by the National Commission for Culture and the Arts, Society of Filipino Archivists for Film (SOFIA) member, Josephine M. Atienza discussed that film gives us the most effective record of the past, of the culture, the people's values, attitudes, mores and way of life. For film students and practitioners, exposure to Filipino film classics can give a sense of history and perspective. For film educators, alternative to Western models are provided. And for the general public, they will be given the chance to enjoy (again) the films which shaped their (or their parents') formative years.

On the same article, she further said that the significance of a national audio-video archive may be compared to that of the national library (in terms of printed materials) or the national museum (in terms of artifacts). Considering that in the Philippines film and related media have the broadest mass base, undoubtedly the biggest influence on the popular culture, the significance of an audio-visual archive also takes on a sociological and anthropological level.

Para sa isang bansang may mahaba at kapuri-puring kasaysayan ng paglikha ng pelikula, na kakatapos lamang magdiwang ng isang siglo ng pelikulang Pilipino,

nararapat lamang na ang pamahalaan ay magtatag ng isang institusyon na mamamahala sa isang pasilidad na may kadalubhasaan at malalim at tunay na malasakit at pagmamahal sa pelikulang Pilipino. Ito ay pagkilala sa kahalagahan ng pelikula bilang tagapangalaga ng kultura at kasaysayan at pagsisiguro na ito ay maipapamalas sa mga susunod na henerasyon.

This bill seeks to recognize the importance of preserving our films, by establishing a national film archive following internationally- accepted standards, in charge of collecting, archiving, conservation, preservation, management, restoration and storage of Filipino films that upholds the nation's historical, cultural, and artistic legacy and heritage.

As a nation with a long and glorious film history, the passage of this bill is earnestly sought.


MANUEL "LITO" M. LAPID
Senator 

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1 **AN ACT**
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3 **NATIONAL FILM ARCHIVE OF THE PHILIPPINES, APPROPRIATING FUNDS**
4 **THEREFOR AND FOR OTHER PURPOSES**

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

5 SECTION 1. *Title.* — This Act shall be known as the "National Film Archives of
6 the Philippines Act of 2022".

7 SECTION 2. *Declaration of Policy.* — It is hereby declared to be the policy of
8 the State to undertake initiatives that will promote the growth and development of the
9 local film industry, conserve and promote the nation's historical and cultural heritage
10 and legacy of Filipino cinema.

11 Towards this end, the State shall establish a national film archive following
12 internationally- accepted standards, in charge of collecting, archiving, conservation,
13 preservation, management, restoration and storage of Filipino films that protects and
14 upholds the nation's historical, cultural, and artistic legacy and heritage.

15 SECTION 3. *Coverage.* — This Act shall apply to all Filipino films ranging from
16 motion pictures to cinematic masterpieces, documentary, news reels, silent films,
17 avant-garde works, significant amateur footage, television shows to sound recordings,
18 and studio productions to independent, orphan and even experimental films produced
19 here and abroad.

1 SECTION 4. *Creation of National Film Archive.* — The National Film Archive of
2 the Philippines (NFAP) is hereby created, replacing the Philippine Film Archive (PFA)
3 under the Film Development Council of the Philippines (FDCP), organized under
4 Republic Act No. 9167.

5 Where certain functions are declared redundant on account of the
6 reorganization, the Film Development Council of the Philippines shall provide for the
7 reassignment, insofar as practicable, of affected employees to similar positions within
8 the Council and its attached agencies, taking into consideration their skills and
9 experience, without loss of seniority or other rights and privileges. In any case, all
10 relevant laws, decrees, executive orders, rules and regulations concerning the rights
11 of government employees in the reorganization of an office shall be respected.

12 SECTION 5. *Functions.* — The National Film Archives of the Philippines shall
13 have the following functions:

- 14 a. Implement a comprehensive national film preservation program for motion
15 pictures, cinematic masterpieces to documentary, news reels, silent films,
16 avant-garde works, significant amateur footage, television shows to sound
17 recordings, and studio productions to independent, orphan and even
18 experimental films produced here and abroad, in conjunction with other film
19 archivists, educators and historians, copyright owners, film industry
20 representatives, and others involved in activities related to film preservation;
- 21 b. Consult with film archivist, educators and historians, copyright owners, film
22 industry representatives, including those involved in the preservation of film,
23 and others involved in activities related to film preservation;
- 24 c. To coordinate activities to assure that efforts or archivists and copyright
25 owners, and others in the public and private sector, are effective and
26 complementary;
- 27 d. Develop a coordinated study and strategy to address the policy and
28 technological problems, share information and resources for possible solutions,
29 and avoid duplication of effort by and within public and private entities;

- 1 e. Generate public awareness of and support for these activities;
- 2 f. Make materials more accessible in ways fully consistent with copyright laws,
3 focusing on public domain collections important for educational and historical
4 research;
- 5 g. Undertake studies and investigations of film preservation activities as needed,
6 including the efficacy of new technologies, and recommended solutions to
7 improve these practices;
- 8 h. Establish criteria and procedures under which films may be included in the
9 National Film Registry, except that no film shall be eligible for inclusion in the
10 National Film Registry until 10 years after such films first publication;
- 11 i. Establish procedures under which the general public may make
12 recommendations to the National Film Archives regarding the inclusion of films
13 in the National Film Registry;
- 14 j. Fund projects such as the archival preservation and restoration of film
15 collections, or the establishment of regional storage facilities to house
16 endangered film collections from many institutions in archival conditions; and
- 17 k. Facilitate the acquisition of a permanent and suitable structure and facilities,
18 including online storage, for the National Film Archives of the Philippines to
19 house the country's film archival holdings.

20 SECTION 6. *National Preservation Plan.* — The NFAP shall conduct a national
21 study of the film preservation problems facing the nation, and to prepare a national
22 preservation plan to address the problems posed by the study.

23 The study shall determine whether there is a critical need to develop a
24 coordinated national strategy to address the loss of film materials used and enjoyed
25 especially for historical and educational purposes. The national plan shall suggest to
26 focus the preservation efforts on those films without commercial viability or copyright
27 ownership, but which are educationally and historically significant and therefore most
28 in need of maintenance for future generations.

1 The NFAP shall prepare the national preservation plan. They shall convene all
2 the parties interested in film production, preservation and dissemination into the
3 preparation of the study and the national plan and ensure the participation of
4 organizations and individual participants in public hearings and drafting sessions.

5 SECTION 7. *National Film Registry.* — The NFAP shall establish a *National Film*
6 *Registry*, the database on basic information of motion pictures, cinematic
7 masterpieces, documentary, news reels, silent films, avant-garde works, significant
8 amateur footage, television shows to sound recordings, and studio productions to
9 independent and even experimental films produced here and abroad.

10 The NFAP shall publish in the Official Gazette the titles of each film that is
11 included in the National Film Registry.

12 SECTION 8. *Implementation.* — Within one year of enactment, the National
13 Film Archives of the Philippines shall conduct a study on the current state of film
14 preservation activities in the country and subsequently establish a comprehensive
15 national film preservation program for motion pictures, cinematic masterpieces,
16 documentary, news reels, silent films, avant-garde works, significant amateur footage,
17 television shows to sound recordings, and studio productions to independent and even
18 experimental films produced here and abroad, in conjunction with other film archivists,
19 copyright owners and others in the film community.

20 SECTION 9. *Report.* — Not later than one (1) year after the date of the
21 enactment of this Act and each year thereafter, the National Film Archives of the
22 Philippines shall submit to both Houses of the Congress a report containing the results
23 of the study conducted under Section 6 of this Act.

24 SECTION 10. *Appropriations.* — The amount necessary for the implementation
25 of this Act shall be charged against the budget of the Film Development Council of the
26 Philippines in the annual General Appropriations Act.

27 SECTION 11. *Implementing Rules and Regulations.* — The Film Development
28 Council of the Philippines, National Archives of the Philippines, National Commission
29 for Culture and the Arts, Cultural Center of the Philippines and the Department of

1 Finance in consultation with other government agencies and concerned stakeholders,
2 shall promulgate and issue the implementing rules and regulations within ninety (90)
3 days upon approval of this Act.

4 SECTION 12. *Separability Clause.* — In the event that any part, section or
5 provision of this Act shall be declared unconstitutional or invalid by a competent court,
6 the remaining provisions thereby shall remain valid and in full force and effect as if
7 the sections or provisions so annulled or voided had never been incorporated herein.

8 SECTION 13. *Repealing Clause.* — All laws, decrees, executive orders,
9 issuances, rules and regulations, or parts thereof not consistent with the provisions of
10 this Act are hereby repealed or modified and/or superseded as case may be by this
11 Act accordingly.

12 SECTION 14. *Effectivity.* — This Act shall take effect fifteen (15) days after its
13 complete publication in the Official Gazette or in at least two (2) newspapers of general
14 circulation.

15 *Approved,*