



Senate
Office of the Secretary

SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'16 JUL 20 P3:12

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SENATE
S.B. No. 664

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

AN ACT REORGANIZING THE NATIONAL COMMISSION ON CULTURE AND THE ARTS INTO THE DEPARTMENT OF CULTURE AND THE ARTS, DEFINING ITS POWER AND FUNCTIONS, APPROPRIATING FUNDS THEREOF, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippines is home to some of the most popular and internationally -acclaimed artists. Apart from dominating global singing competitions, the Philippines has also produced some of the best painters, designers, actors, composers, filmmakers, writers and dancers. Just recently, the Philippines was recognized at the 2016 Cannes Film Festival for Ma' Rosa with a Filipina gaining the most coveted Best Actress award.

We take great pride in our National Artists as well as the myriad of other cultural symbols that represent our country.

To further develop our nation's strong cultural and artistic tradition, this bill proposes to reorganize the National Commission on Culture and the Arts (NCCA) into an independent Department Of Culture and the Arts (DCA). This would elevate the existing commission into a Department, expanding its mandate and awarding the body with more authority in planning, coordinating and implementing the country's programs for the conservation and promotion of culture and the arts.

The DCA would effectively house all major government arms related to Culture and the Arts, namely: the National Archives, the National Museum, the National Historical Commission of the Philippines, the Cultural Center of the Philippines, Komisyon ng Wikang Filipino, and the National Commission on Indigenous Peoples.

In joining forces, our cultural, linguistic and artistic national agencies will have the opportunity to develop cohesive programs aligned to the DCA mission and vision. The Department would also have the mandate to install regional DCA offices that will localize the development and recognition of artistic endeavors.

Moreover, this bill endeavors to establish a specialized Arts program in all levels of schooling, to further entrench the artistic tradition and give more students the opportunity to develop their artistic skill under a rigorous program.

In addition, the DCA would be in charge of handling the National Endowment Fund for Culture and the Arts, providing grants for Filipinos from all over the country to encourage artistic creation.

With 175 different dialects in the Philippines, we have an extremely diverse population that carry rich artistic and cultural tradition that is valuable to our identity, as well as to our economy. Should we continue to institutionalize programs that develop our Culture and the Arts, Filipinos will benefit from appreciating our rich culture as we proudly display our colors for the entire world to see.

In view of the foregoing, the passing of this bill is earnestly sought.


Senator Paolo Benigno "Bam" Aquino IV



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

1 **SECTION 1. Short Title.** — This Act shall be known as the "*Department of Culture and*
2 *the Arts.*"

3 **SEC. 2. Declaration of Policy.** — It is hereby declared policy of the State to:

- 4 a) Recognize the vital role of culture and the arts in nation-building;
- 5 b) Evolve, promote and conserve a Filipino national culture that mirrors and
6 shapes Philippine economic, social, and political life;
- 7 c) Promote and disseminate to the greatest number of our people the
8 creation of artistic and cultural products;
- 9 d) Raise formally through the educational system and informally through
10 extra-scholastic means, including the use of traditional as well as modern
11 media of communication the level of consciousness of our people about
12 our own cultural values; and
- 13 e) Preserve and conserve the Filipino historical and cultural heritage and
14 resources and retrieve and conserve artifacts of Filipino culture and
15 history.

16 **SEC. 3. Department of Culture and the Arts.** — There is hereby created the
17 Department of Culture and the Arts, hereinafter referred to as the Department.

18 **SEC. 4. Mandate.** — The Department shall be the primary policy, planning,
19 coordinating, implementing, and administrative entity of the Executive Branch of the
20 government that will plan, develop, and promote Philippine culture and arts.

- 21 a) To encourage the continuing and balanced development of a pluralistic
22 culture by the people themselves, it shall:

- 1) 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 of a genuinely Filipino culture;
- 2) Extend financial and economic assistance such as subsidies, artist funds and social security to promote cultural development and protect artists and cultural workers;
- 3) Ensure the decentralization of opportunities for creative expression through the establishment of local culture art centers in various regions, with resources needed for artistic cultural activities;
- 4) Extend recognition of artistic achievement through awards, grants and services to artists and cultural groups which contribute significantly to the Filipino's cultural legacy;
- 5) Promote the interest and welfare of artists and cultural workers by protecting their rights to intellectual and artistic properties as well as by associations which shall promote and protect the economic and moral rights of artists all over the country;
- 6) Encourage and support research into Philippine artistic traditions which may be adopted for the creation of contemporary forms;
- 7) Adopt measures and recommend legislation to protect the intellectual and artistic rights and properties of Filipino artists, cultural workers and other matters concerning culture and the arts; and
- 8) Explore and adopt the best possible structure of relationship between the public and the private sector at the local level, taking into account varying socio-cultural situations.

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

- (1) Support, monitor 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;
- (2) Encourage and support the study, recognition and preservation of endangered human cultural resources such as weavers, chanters, dancers, and other craftsmen as well as the conservation and development of such artistic, linguistic and occupational skills as are threatened with extinction;

- 1 (3) Support and promote the establishment and preservation of cultural
2 and historical monuments, markers, names and sites;
- 3 (4) Encourage and support the establishment and/or maintenance all
4 over the country of museums, libraries, archives, private or public, as
5 repositories, respectively of all cultural/historical artifacts and artistic
6 creation, printed works, archival records and all other materials
7 indispensable to the study and evaluation of Filipino culture and
8 history;
- 9 (5) Encourage the private sector to establish and maintain private
10 museums and libraries;
- 11 (6) Encourage and support scholarly research into and documentation of
12 Philippine cultural traditions, arts and crafts, as well as significant
13 cultural movements, achievements and personalities especially in the
14 literary, visual and performing arts; and in mass media, as well as the
15 various aspects of Filipino culture;
- 16 (7) Encourage and support the writing of Philippine history from the
17 Filipino perspective; and
- 18 (8) Encourage, support and systematize the audio-visual documentation
19 of Filipino cultural expressions in the contemporary period.
- 20 c) To ensure the widest dissemination of artistic and cultural products among
21 the greatest number across the country and overseas for their appreciation
22 and enjoyment, it shall, with the cooperation of the Department of
23 Education, Tourism, Interior and Local Government, Foreign Affairs and all
24 other concerned agencies, public and private:
- 25 (1) Cause to be established and developed an intensified arts education
26 program at all levels of the educational system, public and private, to
27 ensure meaningful arts integration across the school curriculum;
- 28 (2) Encourage and support programs through publication, exhibition,
29 production, performance, staging, and reproduction of original
30 Filipino creations;
- 31 (3) Coordinate and provide technical and/or financial assistance for
32 cultural events and related activities such as cultural festivals,
33 competitions, lectures, seminars, fora and symposia;
- 34 (4) Encourage and monitor a comprehensive translation program which
35 shall make works by Filipinos and selected foreign classics equally
36 accessible to Filipino as well as international readers;

- 1 (5) Promote the popularization of information about artistic and cultural
2 achievements and programs, in coordination with government
3 agencies and non-government organizations and institutions;
 - 4 (6) Reorient tourism programs to become an instrument for popular
5 education of our people and others about the best of our heritage
6 and creativity;
 - 7 (7) Undertake a systematic collection of statistical and other data which
8 reflects the state of cultural conditions in the country, to serve as
9 essential quantitative and qualitative basis for formulating cultural
10 policies;
 - 11 (8) Create and support a sustained program of international cultural
12 exchange, scholarship, travel grants and other forms of assistance;
 - 13 (9) Promulgate standard and guidelines for the protection and promotion
14 of Filipino artists, cultural workers and creative works in other
15 countries; and
16
 - 17 (10) Encourage and support the continuous training of cultural workers
18 and administrators by qualified trainers.
- 19 d) To preserve and to integrate traditional culture and its various creative
20 expressions as a dynamic part of the national cultural mainstream, it shall:
- 21 (1) Help set up or encourage, monitor and subsidize companion systems
22 at the regional, provincial and local levels, intended to develop
23 traditional cultures such as arts/crafts centers, preferably in
24 community settings apart from the usual museums settings, where
25 exponents of living arts and crafts can practice and teach their art and
26 enrich contemporary designs;
 - 27 (2) Encourage and subsidize cultural research and the retrieval of cultural
28 research information (e.g. folklore, dance, music, crafts) through the
29 training of students, teachers, and cultural researchers, and their
30 revitalization by practice and performance;
 - 31 (3) Ensure that the ultimate beneficiaries of all research efforts, tourism
32 programs and other activities affecting cultural communities are the
33 people and cultural communities that are the subject of research, and
34 that their cultures are nurtured rather than violated, damaged, or
35 exploited;
 - 36 (4) Ensure that relevant information is made available to legislators who
37 introduce laws with cultural implication;

1 (5) Encourage and support the continuous training of cultural workers
2 and administrators by qualified trainers; and

3 (6) Ensure that standards of excellence are pursued in programs and
4 activities implementing policies herein stated, it shall encourage and
5 support continuing discussion and debate, through symposia,
6 workshop, publications, etc., on the highest norms available in the
7 matrix of Philippine culture.

8 **SEC. 5. Powers and Functions.** — The Department shall exercise the following
9 powers and functions to carry out its mandate:

- 10 (a) Encourage and facilitate the organization of a network or regional and local
11 councils for culture and the arts, hereunder described, to ensure a broad
12 nationwide, people-based participation in the formulation of plans, the
13 enforcement of culture-related laws and regulations, the implementation of
14 programs/projects and the review of funding requirements;
- 15 (b) Establish a secretariat under an Executive Director for the administrative and
16 day-to-day operations of the Department;
- 17 (c) Set up a system of networking and coordination with and among all existing
18 government cultural agencies for the effective implementation of plans and
19 strategies;
- 20 (d) Create committees and other mechanisms to help expedite the implementation
21 of plans and strategies;
- 22 (e) Call upon and coordinate with other government and non-government and
23 cultural institutions and agencies for assistance in any form;
- 24 (f) Generate resources, both from the Government and private sectors, local,
25 national and international, for its operation, as well as for the National
26 Endowment Fund For Culture and Arts;
- 27 (g) Receive and accept donations and other conveyances including funds, materials
28 and services, by gratuitous title;
- 29 (h) Administer the National Endowment Fund for Culture and the Arts and give
30 grants for the development, protection, preservation and dissemination of
31 Philippine culture and arts, and designate a comptroller;
- 32 (i) Prepare an annual budget of the Department and submit the same to the
33 President for inclusion in the annual General Appropriations Act;
- 34 (j) Advise the President on matters pertaining culture and the arts, including the
35 creation of a special decoration or award, for person who have significantly
36 contributed to the development and promotion of Philippine culture and arts;

1 (k) Promulgate rules, regulations and undertake any and all measures as may be
2 necessary to implement this Act; and

3 (l) Regulate activities inimical to preservation/conservation of national cultural
4 heritage/properties.

5 **SEC. 6. Composition.** — The Department shall be headed by a Secretary. The
6 Department proper shall be composed of the Office of the Secretary, the Offices of the
7 Undersecretaries and the Assistant Secretaries.

8 **SEC. 7. Secretary of Culture and the Arts.** — The Secretary shall be appointed by the
9 President, subject to confirmation by the Commission on Appointments. The Secretary shall
10 have the following functions:

11 (a) Provide executive direction and supervision over the entire operations of the
12 Department and its attached agencies;

13 (b) Establish policies and standards for the effective, efficient and economical
14 operation of the Department, in accordance with the programs of government;

15 (c) Review and approve requests for financial and manpower resources of all
16 operating offices of the Department;

17 (d) Designate and appoint officers and employees of the Department, excluding the
18 undersecretaries, assistant secretaries, and regional and assistant regional
19 directors, in accordance with the civil service laws, rules and regulations;

20 (e) Exercise disciplinary powers over officers and employees of the Department in
21 accordance with law, including their investigation and the designation of a
22 committee or officer to conduct such investigation;

23 (f) Coordinate with LGUs, other agencies and public and private interest groups,
24 including nongovernment organizations (NGOs) and people's organizations (POs)
25 on Department policies and initiatives;

26 (g) Prepare and submit to the President through the Department of Budget and
27 Management (DBM) an estimate of the necessary expenditures of the
28 Department during the next fiscal year, on the basis of the reports and estimates
29 submitted by bureaus and offices under him/her;

30 (h) Serve as a member of the Government Procurement Policy Board (GPPB) as
31 established by Republic Act No. 9184;

32 (i) Advise the President on the promulgation of executive and administrative orders
33 and formulation of regulatory and legislative proposals on matters pertaining to
34 culture and the arts;

1 (j) Formulate such rules and regulations and exercise such other powers as may be
2 required to implement the objectives of this Act; and

3 (k) Perform such other tasks as may be provided by law or assigned by the
4 President.

5 **SEC. 8. Undersecretaries.** — The Secretary shall be assisted by undersecretaries, who
6 shall be appointed by the President upon the recommendation of the Secretary: Provided,
7 that two (2) of the undersecretaries shall be career officers.

8 **SEC. 9. Assistant Secretaries.** — The Secretary shall be assisted by assistant
9 secretaries who shall be appointed by the President upon the recommendation of the
10 Secretary: Provided, that two (2) of the assistant secretaries shall be career officers:
11 Provided, further, that at least one (1) of the assistant secretaries shall be a licensed, or any
12 suitably qualified person in accordance with Civil Service Commission (CSC) rules and
13 regulations.

14 **SEC. 10. Qualifications.** — No person shall be appointed Secretary, Undersecretary,
15 or Assistant Secretary of the Department unless he or she is a citizen and resident of the
16 Philippines, of good moral character, of proven integrity and with at least seven (7) years of
17 competence and expertise in any of the following: cultural communities and traditional arts,
18 cultural heritage, or cultural dissemination.

19 **SEC. 11. Regional Offices.** — The Department may establish, operate, and maintain a
20 regional office in the different administrative regions of the country as the need arises. Each
21 regional office shall be headed by a Regional Director, who may be assisted by one (1)
22 Assistant Regional Director. The Regional Director and Assistant Regional Director shall be
23 appointed by the President. The regional offices shall have, within their respective
24 administrative regions, the following functions:

25 (a) Implement laws, policies, plans, programs, projects, rules and regulations of the
26 Department;

27 (b) Provide efficient and effective service to the people;

28 (c) Coordinate with regional offices of other departments, offices, and agencies;

29 (d) Coordinate with the LGUs; and

30 (e) Perform such other functions as may be provided by law or assigned by the
31 Secretary.

32 **SEC. 12. Sectoral and Industry Task Forces.** — The Department may create sectoral
33 and industry task forces, technical working groups, advisory bodies, or committees for the
34 furtherance of its objectives. Additional private sector representatives, such as from the
35 academe, CSOs, and federation of private industries directly involved in culture and the arts,

1 as well as representatives of other LGUs, and GOCCs may be appointed to these working
2 groups. Government culture and arts professionals may also be tapped to partake in the
3 work of the Department through these working groups.

4 **SEC. 13. *Transfer of Agencies and Personnel.* —**

5 a) The National Commission on Culture and the Arts (NCCA) is hereby abolished,
6 and their powers and functions, applicable funds and appropriations, records,
7 equipment, property, and personnel transferred to the Department:
8

9 b) The following agencies are hereby attached, to the Department for policy and
10 program coordination, and shall continue to operate and function in
11 accordance with the charters, laws or orders creating them, insofar as they
12 are not inconsistent with this Act:

13 (1) National Archives of the Philippines

14 (2) National Museum

15 (3) National Historical Commission of the Philippines (NHCP)

16 (4) Cultural Center of the Philippines (CCP)

17 (5) Komisyon sa Wikang Filipino (KWF); and

18 (6) National Commission on Indigenous Peoples (NCIP)

19 The laws and rules on government reorganization as provided for in Republic Act No.
20 6656, otherwise known as the Reorganization Law, shall govern the reorganization process
21 of the Department.

22 **SEC. 14. *Separation and Retirement from Service.* —** Employees who are separated
23 from service within six (6) months from the effectivity of this Act as a result of the
24 consolidation and/or reorganization under the provisions of this Act shall receive separation
25 benefits to which they may be entitled under Executive Order No. 366, s. 2004: Provided,
26 that those who are qualified to retire under existing retirement laws shall be allowed to
27 retire and receive retirement benefits to which they may be entitled under applicable laws
28 and issuances.

29 **SEC. 15. *Structure and Staffing Pattern.* —** Subject to the approval of the DBM, the
30 Department shall determine its organizational structure and create new divisions or units as
31 it may deem necessary, and shall appoint officers and employees of the Department in
32 accordance with the civil service law, rules, and regulations.

33 **SEC. 16. *Transition Period.* —** The transfer of functions, assets, funds, equipment,
34 properties, transactions, and personnel of the affected agencies, and the formulation of the
35 internal organic structure, staffing patter, operating system, and revised budget of the

1 Department, shall be completed within six (6) months from the effectivity of this Act, during
2 which time, the existing personnel shall continue to assume their posts in holdover
3 capacities until new appointments are issued: Provided, that after the abolition of the
4 agencies as specified in Section 13 of this Act, the Department, in coordination with the
5 DBM, shall determine and create new positions, the funding requirements of which shall not
6 exceed the equivalent cost of positions abolished.

7 **SEC. 17. Appropriation.** — The funds needed for the initial implementation of this
8 Act shall be taken from the current fiscal year's appropriation of the NCCA and all agencies
9 herein absorbed by or attached to the Department. Thereafter, the amount needed for the
10 operation and maintenance of the Department shall be included in the Annual General
11 Appropriations Act.

12 **SEC. 18. Implementing Rules and Regulations.** — Within sixty (60) days from the
13 effectivity of this Act, the National Commission on Culture and the Arts (NCCA), Department
14 of Budget and Management (DBM), and the Civil Service Commission (CSC), and other
15 relevant government agencies, shall promulgate the necessary rules and regulations for the
16 effective implementation of this Act.

17 **SEC. 19. Separability Clause.** — Should any provision herein be declared
18 unconstitutional, the same shall not affect the validity of the other provisions of this Act.

19 **SEC. 20. Repealing Clause.** — All laws, decrees, orders, rules, and regulations or
20 other issuances or parts inconsistent with the provisions of this Act are hereby repealed or
21 modified accordingly.

22 **SEC. 21. Effectivity.** — This Act shall take effect fifteen (15) days after its publication
23 in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

24 *Approved,*