

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

'04 JUN 30 P3:39

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S E N A T E

S. No. 281

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

This bill seeks to amend Executive Order 209, otherwise known as the National Archives Law to promote the enrichment, expansion and conservation of our archive resources and other vital public records.

Under the proposed provisions of this bill

- a) the Records Management and Archives Office will be renamed as the National Archives of the Philippines and reorganized as a new agency under the Department of Education, Culture and Sports (DECS) to be headed by a director with a rank equivalent to that of a Bureau Director. This new agency, to be housed in the restored Intendencia building in Intramuros shall plan, develop, prescribe, disseminate, enforce policies, rules and regulations and coordinate government programs in accordance with the provisions of this bill;
- b) A Center for Archival and Historical Studies will be created, which will be mandated to conduct official government research on Philippine History;
- c) Destruction of public records or refusal to surrender such records to the National Archives despite written demand by the Director shall be subject to criminal prosecution; and
- d) The National Archives General fund will be created with initial appropriations of P510 million to be taken from government financial institutions such as PCSO, GSIS and PAGCOR.

Philippine history and culture, as embodied in historical records and artifacts, provide the basis for our national identity and unity as a people. These surely merit the investments proposed in this bill.

In view of the foregoing, early passage of this bill is earnestly requested.

S. Osmeña III

SERGIO OSMEÑA III
Senator

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AN ACT
ESTABLISHING THENATIONAL ARCHIVES OF THE PHILIPPINES,
STRENGTHENING ITS POWERS, APPROPRIATING FUNDS THEREFOR, AND
FOR OTHER PURPOSES

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

1 SECTION 1. **Short Title.** – This Act shall be known and cited as the
2 “National Archives Act 2001.”

3 SEC. 2. **Declaration of Policy.** – It is the declared policy of the State to
4 conserve, promote and popularize the nation's historical and cultural heritage
5 through the enrichment, expansion and conservation of our archival resources
6 and other vital public records which constitute the cultural and historical treasure
7 of the nation and which shall be under the protection and disposition of the
8 State.

9 SEC. 3. **Definition of Terms.** – As used in this Act:

10 a) *Archives* – refers to any of the following:

- 11 I. records more than twenty-five years old;
- 12 II. records no longer of current use to an organization or agency
- 13 that was selected for permanent preservation due to their
- 14 evidential, informational, or historical value;

1 III. an organization or agency or part thereof whose main
2 responsibility is to select, preserve and make archival materials
3 available for use;

4 IV. the premises, building, room, or storage area where archival
5 materials are kept and preserved; and

6 V. archival materials, collections or holdings.

7 b) *Archival material* – refers to original documents or copies thereof in
8 whatever media where only one copy exists in the Philippines.

9 c) *The National Archives* – refers to the National Archives of the
10 Philippines under this Act.

11 d) *Private archives* – refers to records or documents that are of enduring
12 national, cultural and historical value but owned or controlled by
13 private individuals or entities.

14 e) *Public archives* – refers to public records that are more than twenty-
15 five years old, of enduring national, cultural and or historical value,
16 that have been transferred to the National Archives, local or public
17 archives, including documents, books or other materials acquired or
18 for them.

19 f) *Public Records* – refers to paper, books, photographs, microfilms,
20 films, sound recordings, drawings, maps, electronically generated
21 documents, or in whatever physical form or medium, any copy thereof,
22 that have been created, received or passed upon by government
23 agencies through transaction of official business and retained by the
24 agency or its successor as evidence of its objectives, functions,
25 policies, decisions, procedures, operation and activities, or due to the
26 essential nature of information contained therein.

27 g) *Records Center* – refers to a centralized area within an agency
28 established for the efficient storage and servicing of semi-active or
29 non-current records.

1 h) *Records Management* – refers to the administrative functions
2 concerned with the creation, use, maintenance, retention, protection,
3 preservation and disposition of all types of records for purposes of
4 reducing costs, increasing efficiency, and servicing management
5 through records handling operations.

6 **SEC. 4. *Remaining of the Records Management and Archives Office.***

7 – The Records Management and Archives Office, created in 1958 under
8 Executive Order No. 290 and amended in 1987 by Executive Order No. 285, is
9 hereby renamed as the National Archives of the Philippines.

10 The National Archives shall remain an attached agency of the
11 Department of Education, Culture and Sports, and shall be under the
12 administrative supervision of the Secretary of Education, Culture and Sports.

13 **SEC. 5. *Mandate of the National Archives.*** – The National Archives
14 shall be primarily responsible for the implementation of the objectives and
15 provisions of this Act.

16 In this regard, it shall plan, develop, prescribe, disseminate and enforce
17 policies, rules and regulations and coordinate government-wide programs
18 governing the general protection, use, maintenance, storage and disposition of
19 public records including the protection maintenance, use and storage or
20 permanent archival and historical records.

21 **SEC. 6. *Organizational Units and Functions.*** – To carry out its
22 mandate under this Act, the National Archives shall consist of, but not be limited
23 to, the following divisions:

24 a) *Archives Division* – The Archives Division shall acquire, appraise,
25 arrange, describe, conserve, and make available to the public
26 documents and records of permanent value and or historical interest.

27 It shall discharge the following specified functions and responsibilities:

28 1) Recommend policies and programs related to the acquisition,
29 storage and use of documents;

- 1 2) Accept, store, protect, preserve and conserve any public archives
2 transferred to the National Archives;
- 3 3) Acquire by donation, purchase, or other means any document,
4 book or other private archives which in the judgement of the
5 Director are or likely to be of enduring or historical value;
- 6 4) Obtain, recover, possess and manage all public archives not in the
7 custody or control of the National Archives;
- 8 5) Organize, describe and make available for public use all public
9 archives;
- 10 6) Cause the registration and inventory of private archives;
- 11 7) Ensure the protection, preservation and conservation of existing
12 and future archival and historical resources of the government and
13 the entire country;
- 14 8) Attend to inquiries regarding archival holdings;
- 15 9) Issue reproduce, certified true copies and certifications about and
16 from archival holdings;
- 17 10) Computerize, digitize or convert in electronic form permanent
18 records and its historic holdings;
- 19 11) Encourage, facilitate, sponsor or promote the use and/or
20 exhibition of archival materials;
- 21 12) Publish guides, inventories and other aids required to disseminate
22 information on the holdings of the National Archives;
- 23 13) Copy private archives of individuals or institutions to develop
24 archival historical holdings;
- 25 14) Enter into agreements with any archival or historical institution
26 here and abroad to acquire or copy original documents or archival
27 materials to develop and enhance the archival and historical
28 holdings of the Philippines;

1 b) *Center for Archival and Historical Studies* – shall initiate and conduct
2 researches and studies on all matters affecting archival records and
3 documents and matters of historical interest. It shall discharge the
4 following specified functions and responsibilities:

5 1) Conduct researches and studies on the Philippines using archival
6 materials here and abroad;

7 2) Cause the publication of the researches and studies and
8 disseminate official findings of the same;

9 3) Conduct and or participate in researches and studies on archives
10 and documentation here and abroad for the growth and
11 development of the personnel of the National Archives including
12 other local archivists;

13 c) *Current Records Division* – The Current Records Division shall serve
14 primarily as a planning, regulating, policy making and advisory unit on
15 matters concerning the use, maintenance and disposition of operating
16 records of government entities.

17 1) Conduct research and studies, develop criteria, standards and
18 control on the records management and archives
19 administration programs of the government for the efficient
20 creation, utilization, maintenance, retention, preservation,
21 conservation and disposal of public records, including the
22 adoption of security measures;

23 2) Plan, formulate and implement records management and
24 archives administration programs of the government;

25 3) Provide technical advice and assistance to all government
26 entities on matters concerning records management;

27 4) Inspect and examine records of any government agency;

1 5) Require reports and statistics from government entities on their
2 records management activities and analyze these data to
3 determine the effectiveness of the National Archives' programs.

4 D) The Records Center Division shall establish and operate records
5 centers to house, service and maintain inactive government
6 records and similar documents not limited to those of abolished,
7 merged or re-organized agencies. It shall discharge the following
8 specified functions and responsibilities:

9 1) Establish operating rules, regulations and procedures
10 governing the transfer activities and proper storage of records;

11 2) Recommend policies, rules and regulations concerning the
12 transfer, loan and/or withdrawal of documents in the custody of
13 Records Center;

14 3) Render technical advise and assistance in establishing
15 agency's records storage to house non-current records of the
16 entity concerned until such time as they are disposed of upon
17 reaching their retention period;

18 4) Assist and supervise client government entities in the proper
19 transfer of their temporary records, including records of
20 abolished/reorganized agencies;

21 5) Receive, classify, index and service records and documents
22 necessary for current operating purposes of the entities
23 concerned and provide access control to the records;

24 6) Re-appraise records for destruction or transfer to the Archives;

25 7) Provide security and report any loss of records in the custody
26 of the Records Center and initiate action to recover them.

27 e) The Training Division shall initiate, develop, conduct and evaluate
28 training programs in all aspects of records and archives management
29 in the different regions of the country. The training shall be done to

1 improve the competence and technical skills and knowledge of
2 personnel assigned to records administration. It shall discharge the
3 following functions and responsibilities:

4 1) Design, develop and conduct government-wide training
5 programs in all aspects on archives and records management
6 for records personnel;

7 2) Coordinate with and provide technical assistance, training,
8 resource speaking and consultancy on records management
9 and archives administration;

10 3) Design, develop and conduct training program on career and
11 employee development for the National Archives;

12 4) Establish linkages with local and foreign organizations engaged
13 in training, education and development activities to generate
14 opportunities for growth and advancement either through
15 scholarships or fellowship programs or grants.

16 f) The Administrative Division shall coordinate and provide
17 administrative support services, such as personnel administration,
18 financial and fiscal management of current operation, messengerial,
19 janitorial, security and general utilities. It shall administer a personnel
20 program on career and employee development for the National
21 Archives.

22 All of the above divisions shall perform such other functions as
23 may be assigned by the Director.

24 **SEC. 7. Officials and Staff.** – The National Archives shall be headed by
25 a Director with a rank equivalent to a Bureau Director and who shall be assisted
26 by an Assistant Director. The director and Assistant Director shall be appointed
27 by the President upon recommendation by the Secretary of Education, Culture
28 and Sports: *Provided*, That the incumbent Director and Assistant Director of the

1 Records Management and Archives Office shall continue to be the Director and
2 Assistant Director of the National Archives created herein.

3 The National Archives shall maintain the existing staffing pattern provided
4 under Executive Order no. 285: *Provided*, That the Director shall recommend
5 such additional positions as may be necessary for the reorganization and
6 restructuring of the National Archives and for the establishment of its field offices
7 under Section 10, 11 and 12 hereof, subject to the rules and regulations of the
8 Department of Budget Management.

9 SEC. 8. ***Permanent Building for the National Archives.*** – In
10 accordance with the provision of Sec. 2. Hereof, the government shall provide
11 adequate funding to the National Archives for the reconstruction of the
12 Intendencia building in Intramuros, Manila, transferred by the Intramuros
13 Administration, by order of the Office of the President, to the Records
14 Management and Archives Office. Upon its reconstruction, the Intendencia
15 building shall become the permanent offices for the National Archives and
16 henceforth shall house its Spanish archival collections and other vital public
17 records.

18 SEC. 9. ***The Ayuntamiento ruins, Beaterio de la Compañía de Jesus***
19 ***ruins and the Philippine Naval District Compound, all in Intramuros, as***
20 ***Additional Buildings for the National Archives.*** – In accordance with the
21 provisions of Sec. 2 hereof, to further accommodate all permanent and other
22 vital public records presently in the custody of the National Archives including
23 permanent government records in diverse media to be transferred in the future,
24 the ownership, possession and reconstruction of the Ayuntamiento ruins, the
25 Beaterio de la Compañía de Jesus ruins, and the Philippines Naval District
26 Compound in Intramuros are all hereby bestowed to the National Archives.

27 SEC. 10. ***Establishment of a Center of Archival and Historical***
28 ***Studies as a Division of the National Archives.*** – Upon the passage and
29 approval of this Act, all permanent archival and historic records and books of

1 historical value possessed by the Philippine Government shall be transferred to
2 the custody and protection of the National Archives.

3 The Center of Archival and Historical Studies is hereby conferred the sole
4 responsibility to conduct official government research on Philippine history. The
5 National Historical Institute shall, upon approval of this Act, cede its research
6 and publications functions to the National Archives, including property, assets,
7 unexpended appropriations, and research positions of the affected divisions in
8 its personnel plantilla.

9 The National Archives field offices shall likewise perform such functions
10 in relation to its mandate under this Act, and as determined by the Director.

11 SEC. 12. **Reorganization of the National Archives.** – Whenever
12 demanded by the exigencies of the service, the Director may recommend and
13 propose the reorganization and restructure of the National Archives to the
14 Secretary of the Department of Education with a view to attaining simplicity,
15 economy and efficiency in its various operations.

16 SEC. 13. **Transfer of Archival Materials.** – Archival materials or
17 collections of any government agency that are more than twenty-five years old,
18 as well as non-current public records that, in the judgement of the Director, are
19 of sufficient value to warrant their preservation, shall be transferred to the
20 National archives. When, however, a government agency owns and maintains
21 an established archives, it may retain the archival materials and records kept
22 therein, subject to pertinent rules and regulations of the National Archives.

23 Records holding government agencies that are or will be reorganized,
24 abolished or merged shall be transferred to the National Archives, unless
25 otherwise provided by law.

26 SEC. 14. **Surrender of Public Records.** – Any person who has come into
27 possession of a public record or records considered to be of evidential,
28 informational, enduring, archival or historical value at any time, before or after
29 the passage of this Act, shall upon written demand by the Director, surrender

1 the public record or records to the National Archives for deposit and
2 safekeeping.

3 SEC. 15. ***Certified Copy of Records.*** – Any copy of a record in the
4 National Archives which is certified by the Director as the true copy of the
5 original document shall be admissible as evidence in a court of law, quasi-
6 judicial, administrative or any other legal proceeding.

7 SEC. 16. ***Publication of the Holdings of the National Archives.*** –
8 Filipino citizens or duly registered Filipino corporations may publish or reproduce
9 and publish any document in the archives provided these are duly acknowledge
10 in the publication or the copy. No foreign individual or entity shall public or
11 reproduce any part of the holdings of the archives without the written
12 authorization of the Director of the National Archives.

13 A copy of all publications with materials sourced or reproduced from
14 documents in the archives shall be furnished the National Archives within sixty
15 days from release of publication.

16 SEC.17. ***Registry of Private Archives.*** – Private individuals,
17 associations, corporations or groups shall register with the National Archives
18 their archival or historical materials or collections and submit copies of their
19 catalogs to the National Archives for statistical, monitoring, coordination and
20 reference purposes.

21 The National Archives shall have the right to make copies of private
22 archives in the Philippines.

23 After a specified period of time to be determined by the Director of the
24 National Archives and after dissemination of the registration requirement, any
25 unregistered private archival document shall be deemed belonging to the State
26 and may be subject to confiscation by the National Archives, except if the
27 individual concerned can prove ownership by inheritance.

28 The disposal, sale or exporting of archival materials in private possession
29 shall be subject to restrictions and approval of the National Archives.

1 SEC. 18. ***Exchange and Copy of Archival Materials of Archival***
2 ***Institutions.*** – the National Archives shall have the right to enter into any
3 agreement with other archival institutions here and abroad on the loan,
4 exchange or reproduction of archival materials.

5 SEC. 19. ***Authority for Disposal or Destruction of Public Records.*** –
6 No government agency shall cause the destruction or disposal of public records
7 in its possession or control except upon prior written authority of the Director of
8 the National Archives.

9 SEC.20. ***Administrative Fee.*** – Charges for certified copies, certifications
10 for non-availability of records and research and other fees of similar nature shall
11 be collected in accordance with existing laws, rules and regulations.

12 Charges for the storage of agency records at the Records Center shall
13 henceforth be collected.

14 Seventy percent of the collection shall be used by the National Archives
15 for its development, programs or projects and enhancement of its services.

16 SEC. 21. ***Promulgation of Rules and Regulations.*** – The Director of
17 the National Archives shall be primarily responsible for the promulgation of all
18 implementing rules and regulations necessary to effectively carry out the
19 provisions of this Act.

20 SEC. 22. ***Delegation of Director's Power.*** – The Director, may from time
21 to time, subject to such conditions as he may specify, delegate any of his
22 powers under this Act. Any person to whom those powers are delegated may
23 exercise the powers delegated in the same manner and with the same force and
24 effect as if they have been conferred on him by this Act.

25 SEC. 23. ***Administrative Sanction.*** – any unjustified failure by the officer
26 concerned to comply with the requirements imposed under Section 14 and 20 of
27 this Act shall be ground for administrative disciplinary action against the said
28 officer in accordance with the Civil Service Law.

1 SEC. 24. ***Penal Provision.*** – Any person who, without the prior written
2 authority of the National Archives, destroys or otherwise disposes of, or causes
3 the destruction or disposal of any public records which are in his possession or
4 under his control, or who unjustifiably refuses to surrender such records to the
5 National Archives despite written demand by the Director, shall be liable to
6 criminal prosecution under the pertinent provisions of the Revised Penal Code.

7 SEC. 25. ***The National Archives General fund.*** – In addition to existing
8 appropriations provided under the 1998 General Appropriations Act, the
9 National Government shall provide for the National Archives a General Fund in
10 the amount of Five Hundred Ten Million Pesos (P510,000,000.00) needed to
11 carry out the provisions of this Act. The General Fund shall be taken from the
12 different government financial institutions such as, but not limited to, the
13 Philippine Charity Sweepstakes Office (PCSO), the Government Service
14 Insurance System (GSIS), and the Philippine Amusement and Gaming
15 Corporation (PAGCOR).

16 The General Fund shall contain and provide for the following:

- 17 a) Three hundred Million Pesos (P300,000,000.00) for the restoration
18 and reconstruction of the Intendencia Building in Intramuros which
19 shall house the primarily offices of the National Archives;
- 20 b) Fifty Million Pesos (P50,000,000.00) for the establishment of regional
21 field offices of the National Archives;
- 22 c) Sixty Million Pesos (P60,000,000.00) for the initial rehabilitation and
23 reconstruction of Ayuntamiento, Beaterio dela Compañia de Jesus
24 Buildings and the Philippine Naval District Compound in Intramuros;
- 25 d) Fifty Million Pesos (P50,000,000.00) for the computerization program
26 to provide centralized and cost-effective repository facilities of storage
27 and retrieval of semi-active permanent records of public offices; and
- 28 e) Fifty Million Pesos (P50,000,000.00) for the digitalization and
29 reproduction of archival and historical documents into electronic

1 media to make the archives available for easy and quick public
2 access and use in accordance with the policies of the government and
3 provide information to the world on all documents extant in the
4 National Archives.

5 SEC. 26. **Fund Raising and Fiscal Autonomy.** – the National Archives
6 shall have the authority to receive donations from local or foreign sources, the
7 public or private sector, or in a manner not contrary law, by itself, raise funds for
8 its development program, research efforts, publications, or project for the
9 conservation of state protected records and documents, including activities for
10 the enhancement of its services to the general public.

11 Further, the National Archives, along with its mandate to conduct an
12 education campaign, may raise funds through publications, and conduct of
13 training and seminars. Funds derived from publications, trainings and seminars
14 conducted by the National Archives and seventy percent of administrative fees
15 collected shall be exempt from reversion to the National treasury and shall
16 accrue to the National Archives General Fund.

17 SEC. 27. **Separability Clause.** – Should any provision of this Act or part
18 thereof be declared invalid, the other provisions, so far as they are separable
19 from the invalid ones, shall remain in force and effect

20 SEC. 28. **Effectivity.** - This Act shall take effect fifteen (15) days after its
21 publication in the *Official Gazette* or in at least two (2) national newspapers of
22 general circulation whichever comes earlier.

23 Approved,