


15 MAY -7 P4:08

SENATE  
S. B. **2758**

RECEIVED BY: 

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Introduced by Senator Poe

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AN ACT  
PROVIDING FOR AN 'ARTISTS WELFARE PROTECTION AND INFORMATION  
ACT', AND PROVIDING FUNDS FOR THE PURPOSE

EXPLANATORY NOTE

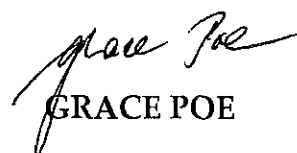
The 1987 Philippine Constitution in Article XIV, Section 14 provides that, "[t]he State shall foster the preservation, enrichment, and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression." The provision is complemented by Section 17 in the same Article, "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."

Despite these constitutional provisions, our artists - whether engaged in visual or performing arts - have not acquired a professional working status and standardized benefits as those enjoyed by regular workers. They are not afforded medical, disability, retirement, death insurance and housing benefits despite their contributions to the country's cultural development.

The United Nations Education Scientific and Cultural Organization (UNESCO) General Conference in 1980 adopted the Recommendations concerning the Status of Artist. As a standard-setting instrument, it aims to strengthen policies and measures around the professional, social, and economic status of artists, thus enabling them to work, create, and organize successfully in an enabling environment. It recognized that "the artists face increasing challenges and opportunities because they operate in a globalized and digital age, marked by economic and/or social transitions, shifting communication, trade and consumption trends, and rapidly evolving technologies."


In view of these recommendations, it is the duty of the State to enact and implement appropriate policies for the welfare and protection of artists, including members of the indigenous cultural communities. The Bill seeks to achieve these objectives.

Immediate approval of this measure is requested.

  
GRACE POE

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AN ACT  
PROVIDING FOR AN 'ARTISTS WELFARE PROTECTION AND INFORMATION  
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*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

ARTICLE I  
GENERAL PROVISIONS

1           **Sec. 1. Short Title.** – This Act shall be known as the “Artists Welfare Protection and  
2 Information Act of 2015.”  
3

4           **Sec. 2. Declaration of Policy** – The State shall protect and promote the rights of an  
5 artist to be considered as a person actually engaged in cultural work and to benefit from all  
6 legal, social and economic advantages pertaining to the status of workers. Pursuant to this,  
7 the state shall:

- 8           (a) Improve the social security, labor, medical, and legal conditions of the artist,  
9           whether employed or self-employed, taking into account their contributions to  
10           cultural development, through a system of accreditation.  
11           (b) Help create and sustain a culture encouraging freedom of artistic expression and  
12           communication, and to facilitate the release of necessary resources in developing the  
13           artists’ creative talents.  
14           (c) Recognize artists as professionals, granting them the corresponding rights and  
15           privileges, to enable them to collectively defend their common interests.  
16           (d) Protect the artists’ sensibilities and material rights over their works or performances,  
17           or any other use made of them to confirm their artistic dignity and integrity.  
18           (e) Provide second/alternative career opportunities to artists who wish to retire from  
19           their respective art.  
20           (f) Develop means of providing welfare and legal information to artists.

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22           The State is submitting this legislation in honor of the countless recognitions and  
23 achievements of the Filipino Artists.  
24

1           **Sec. 3. Coverage** – This Act applies to all accredited artists, as defined herein,  
2 employed and working within the country and those outside of the country who are  
3 covered by recruitment programs/contracts and placement offices/agencies.  
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5           **Sec. 4. Definition of Terms** –  
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- 7           (a) *Accreditation* – shall mean the assessment, of an artist or guild based on the  
8 Accreditation Requirements as provided herein, for purposes of availing the  
9 provisions and benefits provided in this Act.
- 10          (b) *Accredited Artist* – refers to an artist who is a Filipino, at least 18 years of age, in  
11 compliance with the requirements for Accreditation provided in Section 7, or those  
12 members of existing arts guilds duly registered and accredited as provided for by  
13 law.
- 14          (c) *Artist* – It is taken to mean any person who creates or gives creative expression to, or  
15 recreates works of art, who considers his artistic creation to be an essential part of  
16 his life, who contributes in this way to the development of art and culture and who  
17 is or asks to be recognized as an artist, whether or not he is bound by any relations  
18 of employment or association. This includes Indigenous Artists and Cultural  
19 Performers.
- 20          (d) *Collecting Agent/Foreign Collecting Agent* - It shall refer to any person, natural or  
21 juridical, domestic or foreign including, for purposes of foreign work, manning,  
22 placement, and recruitment agencies, who hire and use the services of an artist. The  
23 collecting agent shall be responsible for the remittance of contribution of the artist to  
24 the SSS/GSIS, PagIBIG, and Philhealth. The contribution shall be automatically  
25 deducted from the compensation paid to the artist.
- 26          (e) *Cultural Performer* – refers to an artist who practice culturally-accepted art forms in  
27 their communities, such as comoso, zarzuela, and other forms of art not defined  
28 herein. It may also refer to an artist who, although not a member of any Indigenous  
29 Cultural Community/ Indigenous Peoples (ICC/IP) group, has been consented by  
30 the latter to use IP clothing and related paraphernalia, artifacts, other cultural  
31 symbols and expressions, in accordance with the community standards and  
32 attributed meanings.
- 33          (f) *Indigenous Peoples Artists* - refers to artists who are members of Indigenous Cultural  
34 Communities/ Indigenous Peoples groups who themselves are certified by their  
35 respective community as bearers of oral traditions, literature, designs, visual,  
36 performing arts and other cultural expressions.
- 37          (g) *Second /Alternative Career*- is any career, as enumerated under Sec. 16 of this Act,  
38 which an artist may engage into after leaving their main career due to age,  
39 incapacity and other reasons, or any career which an artist may engage into while  
40 still active in their major area of specialization due to the latter's seasonal or  
41 contractual nature.
- 42          (h) *Welfare Protection*- shall refer to the government's duty of providing rights and  
43 privileges to duly-accredited artists and ensuring the protection of their works and  
44 talents to maintain a minimum standard of well-being, specifically providing:  
45 PhilHealth, Pag-IBIG, SSS/GSIS, among other benefits.
- 46          (i) *Welfare Information*- shall refer to the government's duty to provide knowledge  
47 awareness and understanding to duly-accredited artists in terms of legal, medical,  
48 proprietary, educational, and second careers/alternative careers, among others.  
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**ARTICLE II**  
**RIGHTS AND PRIVILEGES**

**Sec. 5. Benefits** – An accredited artist shall have the rights and privileges to be provided with PhilHealth, SSS/GSIS, Home Development Mutual Fund (Pag-IBIG), and shall be entitled to all other benefits as provided by the pertinent provisions of law.

**Sec. 6. Artist Education and Information** – An accredited artist shall have the rights and privileges of free legal aid and information, medical assistance, hospitalization, and options for Second/Alternative Careers.

**Sec. 7. Accreditation Requirements** – A guideline shall be issued for the purpose of defining an Accredited Artist. The National Commission on Culture and the Arts must issue the guidelines in consultation with the relevant organizations engaged in Literary Arts, Dance, Music, Theater, Film, Architecture, Visual and Design Arts, Arts Management and Production Design, and all other equivalent art forms/disciplines. The presumption shall always be resolved in favor of accreditation.

**Sec. 8. Application/Approval Procedure** - Artists shall submit the necessary documents to support their application for Accreditation to the Local Arts Council, or to the Provincial, City, or Municipal Tourism Office or to the duly recognized Arts Guild in which they are members who shall determine the compliance requirements and shall issue a certificate of accreditation based on the accepted/recognized aesthetic sensibility of its artistic community; Provided, the Tourism Office stated herein may require written recommendation from recognized artist in the Local Government Unit prior to approval of accreditation.

Provided further, for Indigenous Artists, requirements shall be submitted to and approved by the National Commission for Indigenous Peoples in their Province. The NCCA, through the Artist's Welfare Office as stated in Article V herein, may provide additional procedures/requirements that shall encourage meaningful accreditation of artists and ensure the aesthetic quality and creativity of the various art forms.

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**ARTICLE III**  
**SSS/GSIS, PHILHEALTH, AND PAG-IBIG - FUND COVERAGE**

**Sec. 9. Accredited Artists shall be covered by the Social Security System; Other Benefits.** – An Accredited Artist shall be covered by the Social Security System (SSS), the Philippine Health Insurance Corporation (PhilHealth), and the Home Development Mutual Fund or Pag-IBIG, and shall be entitled to all the benefits including but not limited to insurance, funeral, burial and financial assistance and scholarships to children, in accordance with the pertinent provisions provided by law. Payment of premiums or contributions shall be shouldered by the employer/principal who shall act as the collecting agent for the artist.



- 1 (a) Mentor to tutorial or remedial art classes integrated with the DepEd and CHED  
2 curricula.
- 3 (b) Trainee in skills implementation program and ladderized education, as provided by  
4 TESDA, in coordination with the NCCA, through the latter's commission-based,  
5 community-based or enterprise-based programs, whichever is applicable.
- 6 (c) The TESDA, in coordination with the POEA, shall devise systems which will pave  
7 the way for the accredited artists to obtain job opportunities from foreign countries.
- 8 (d) The POEA and the DFA, in coordination with the NCCA, shall establish  
9 mechanisms to ensure the welfare and employment, social security and health  
10 benefits of accredited artists working in foreign countries.

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12 **Sec. 18 . Arts Awareness in the Elementary and High School Curricula.** Arts Appreciation  
13 and Awareness and Cultural Understanding shall be part of the curricula in the elementary, high  
14 school and K-12 Program. The accredited artists available in a community shall be seconded and  
15 shall assist teachers in the school in the art classes and culture subjects.

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18 **ARTICLE V**  
19 **MISCELLANEOUS PROVISIONS**  
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21 **Sec. 19. The Role of the National Commission for Culture and the Arts (NCCA) –**  
22 The NCCA, as the policy making agency for the Artists Welfare Act, shall create an Artist's  
23 Welfare Office which shall serve as the oversight body in compliance with the provisions of  
24 this Act.

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26 **Sec. 20. Dispute Resolution** – In cases of disputes arising from the  
27 certification/accreditation or disqualification of artists, the NCCA through the Artist's  
28 Welfare Office, shall resolve such dispute.

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30 **Sec. 21. Payment of Taxes** - The Bureau of Internal Revenue (BIR) shall provide  
31 assistance to artists covered by this Act in their registration and payment of taxes. The BIR  
32 shall also ensure that artists will be given authority to print official receipts pursuant to BIR  
33 rules and regulations.

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35 **Sec. 22. Continuing Studies on Special Privileges for Artists** – The NCCA in  
36 coordination with other government offices, arts sector and academic institutions is  
37 mandated to conduct studies and researches on the feasibility of granting discount  
38 privileges to artists in particular those who are earning below the minimum wage law or  
39 those artists whose employment opportunities are intermittent.

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41 **Sec. 23. Separability Clause.** – If any provision or part of this Act is declared invalid  
42 or unconstitutional, the remaining parts or provisions not affected shall remain in full force  
43 and effect.

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45 **Sec. 24. Repealing Clause.** – All laws, decrees, executive orders, issuances, rules and  
46 regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed  
47 or modified accordingly.

1           **Sec. 25. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its  
2 complete publication in the *Official Gazette* or in at least two (2) national newspapers of  
3 general circulation.

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5           Approved.