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**S E N A T E**

P. S. Resolution No. 1448

RECEIVED BY: 

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**Introduced by SEN. VICENTE C. SOTTO III**

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**RESOLUTION DIRECTING THE COMMITTEES ON PUBLIC INFORMATION AND MASS MEDIA, AND ON WAYS AND MEANS TO CONDUCT AN INQUIRY, AND LOOK INTO, IN AID OF LEGISLATION, THE DISTRIBUTION OF AMUSEMENT TAX COLLECTED BY THE LOCAL GOVERNMENT UNITS (LGUs) IN METRO MANILA AND IN SUCH OTHER PLACES WHERE ALL OR ANY FILM FESTIVAL ENTRY IS EXHIBITED SIMULTANEOUSLY DURING THE FILM FESTIVAL PERIOD STARTING FROM 2002 UP TO THE PRESENT**

**WHEREAS**, Section 14, Article XIV of the 1987 Constitution provides that:

*"The 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";*

**WHEREAS**, Section 15, Article XIV of the 1987 Constitution states that:

*"The State shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations";*

**WHEREAS**, Section 16, Article XIV of the 1987 Constitution maintains that:

*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.*

**WHEREAS**, the Metro Manila Film Festival (MMFF) is an annual film festival created to showcase locally produced films as no foreign films are shown in Philippine theaters for the entire duration of the festival;

**WHEREAS**, an Executive Committee was created by virtue of Presidential Decree No. 1459 to take charge of the MMFF and to conduct fund raising campaign to benefit the Workers Welfare Foundation, Inc. (MOWELFUND);

**WHEREAS**, Presidential Decree No. 1647 reconstituted the Executive Committee and transferred the management of MMFF to the office of the Metro Manila Commission (MMC) to take charge of the observance of the annual metropolitan film festival;

**WHEREAS**, on October 04, 1985, Executive Order No. 85-04 authorized MOWELFUND to manage the MMFF and all amusement taxes accrued during the film festival are given solely to MOWELFUND;

**WHEREAS**, there was, yet again, a change in the authority to manage the annual MMFF, by virtue of MMC Executive Order No. 86-09 the management of MMFF reverts to an Executive Committee. However, the MOWELFUND remained to be the beneficiary of the amusement taxes collected from the movies during the festival, with the inclusion of the Film Academy of the Philippines (FAP) and the Motion Pictures Anti-Film Piracy Council (MPAFPC) as beneficiaries;

**WHEREAS**, it was sometime in year 2014 when the Film Academy of the Philippines (FAP), headed by its Director General Leo Martinez, filed a *Petition for Mandamus* against the MMFF Executive Committee commanding the latter to follow and observe the COA Findings release in September 2014 which covers the period of CYs 2002-2008;

**WHEREAS**, the COA found, among others, that the MMFF Executive Committee violated several provisions of MMC EO No.

86-09 as well as the Government Accounting and Auditing Manual (GAAM);

**WHEREAS**, the aforesaid violations were to the detriment of the intended beneficiaries of the amusement tax proceeds of the MMFF;

**NOW THEREFORE, BE IT RESOLVED**, as it is hereby resolved, to direct the Committees on Public Information and Mass Media, and On Ways and Means to conduct an inquiry, and look into, in aid of legislation, the distribution of amusement tax collected by the Local Government Units (LGUs) in Metro Manila and in such other places where all or any film festival entry is exhibited simultaneously during the film festival period starting from 2002 up to the present.

*Adopted,*

  
**VICENTE C. SOTTO III**  
Senator