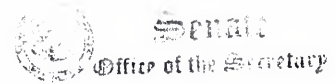


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 JUL 25 P1:31

SENATE

S. No. 836

RECEIVED BY: _____

Introduced by Senator Loren B. Legarda

AN ACT
CREATING THE MUSIC DEVELOPMENT COUNCIL OF THE PHILIPPINES,
DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The 1987 Philippine Constitution mandates that arts and culture shall enjoy the patronage of the State and shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations. One of the most enduring and pervasive forms of Philippine arts is our original Filipino music.

Filipino music has been a part of our culture since our native ancestry. Folk tunes like the Himig Iloko and Nicanor Abelardo's lyrical kundiman held space in our culture and creative consciousness. Today, Filipinos enjoy Original Pilipino Music or OPM from foreign influences to our local music scene.

During the COVID-19 pandemic, Filipinos have resorted to music to cope with the sudden distraught in our daily lives. With this, our musical artists are instrumental in survival.

This measure aims to establish the Music Development Council of the Philippines to boost the music industry's contributions to our cultural landscape, societal development, and economic growth.

The approval of this proposed measure is earnestly sought.

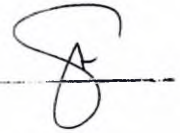


LOREN LEGARDA

'22 JUL 25 P 1:31

SENATE

RECEIVED BY



S. No. 836

Introduced by Senator Loren B. Legarda

AN ACT
CREATING THE MUSIC DEVELOPMENT COUNCIL OF THE PHILIPPINES,
DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

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

1 CHAPTER 1

2 GENERAL PROVISIONS

3 Section 1. *Title.* – This Act shall be known as the "*Philippine Music Industry Act*
4 *of 2022*".

5 Sec. 2. *Declaration of State Policy.* – Pursuant to the constitutional guarantee of
6 freedom of expression and protection and promotion of the Philippine musical
7 heritage under the 1987 Constitution, it is hereby declared the policy of the State to
8 recognize, protect and promote the country's artistic and cultural heritage as
9 expressed in all forms/types of music and protect the rights of the artists in the
10 Philippine musical industry.

11 CHAPTER II

12 CREATION AND ORGANIZATION

13 Sec. 3. *Creation of the Music Development Council of the Philippines.* – To carry out
14 the provision of this Act, there is hereby created a Music Development Council of the
15 Philippines, hereinafter referred to as Council, which will be lodged under the Office
16 of the President.

1 Sec. 4. *Powers and Functions of the Council.* – The Council shall have the following
2 powers and functions:

- 3 a. To craft and spearhead the implementation of a National Music Industry
4 Development Plan and work for its adoption and implementation by the
5 Council as well as appropriate government agencies;
- 6 b. To encourage and undertake activities that actively promote the
7 development of the Philippine music industry as a whole and promote its
8 participation in both local and international markets;
- 9 c. To develop and promote programs to enhance the talents and skills of
10 artists and various stakeholders such as but not limited to music theory,
11 composition, sound production, and engineering, as well as financial
12 literacy and business and marketing capability of Filipino artists;
- 13 d. To work alongside the Department of Education in improving the state and
14 quality of music education in the Philippines as part of MAPEH (Music, Art,
15 Physical Education, and Health) in the K-12 system;
- 16 e. To establish and maintain a registry of music schools or similar institutions
17 that provide musical instruction in the country;
- 18 f. To establish, organize, operate, and maintain local and international music
19 festivals, exhibitions, and other similar activities that will showcase and
20 promote Filipino music;
- 21 g. To link up with UNESCO’s Creative Cities Network and help usher
22 UNESCO Creative Cities of Music in the Philippines;
- 23 h. To enhance the monitoring and implementation of the Intellectual Property
24 Code with regards to the protection of works of Filipino artists;
- 25 i. To establish and maintain baseline data with regards to the various
26 segments of the music industry, such as but not limited to, job generation,
27 revenue generation from sources including but not limited to domestic and
28 export licensing, in partnership with the DOF, DTI, and NEDA;
- 29 j. To work with the National Commission on Indigenous Peoples (NCIP) on
30 establishing and maintaining a national indigenous peoples’ music
31 database;

- 1 k. To work with the National Commission for Culture and the Arts (NCCA)
2 and the National Commission on Indigenous Peoples (NCIP) on the
3 preservation of musical traditions in the Philippines;
- 4 l. To work alongside the Department of Labor and Employment (DOLE) and
5 the Department of Foreign Affairs (DFA) as well as other pertinent agencies
6 in generating employment for artists both locally and abroad;
- 7 m. To promote and industrialize the local production of musical instruments;
- 8 n. To work alongside the Department of Science and Technology (DOST) and
9 the NCIP to preserve, promote, and industrialize the creation of indigenous
10 musical instruments such as but not limited to the kudyapi, kubing,
11 kulintang, gabbang, gangsa;
- 12 o. To provide technical assistance to local government units in organizing
13 their own music festivals or activities that hinge upon Filipino music;
- 14 p. To prescribe the procedures for the exercise of its power and functions as
15 well as the performance of the Council's duties and responsibilities;
- 16 q. To determine the Council's organizational structure and staffing pattern;
- 17 r. To select and appoint officers and employees of the Council in accordance
18 with Civil Service laws, rules and regulations;
- 19 s. To acquire, manage, and hold such real and personal property as may be
20 necessary to carry out the purposes and objectives of this Act;
- 21 t. To invest funds and other assets in such activities or undertakings that shall,
22 directly and indirectly, promote the development of the Philippine musical
23 industry, including the recognition and protection of rights of industry
24 workers and other stakeholders, including the intellectual property rights
25 to all creations, and other rights and conditions as may be covered by this
26 Act; and
- 27 u. To perform such other functions as may be necessary to carry out the
28 provisions of this Act.

29 *Sec. 5. The Organizational Structure of the Council.* - The Council shall be
30 composed of the following members:

- 31 a. The Chairperson of the Council - The Chairperson shall be the head of the
32 Council and its Chief Executive Officer, who shall ensure overall

1 administrative supervision to ensure the effective and efficient
2 implementation of the policies laid down by the Council. The Chairperson,
3 who shall have the rank and salary of an Undersecretary of a Department
4 as provided for in the Salary Standardization Law, must possess the
5 following qualifications:

- 6 i. The Chairperson shall have worked in the music industry for at
7 least ten (10) years and be a person who possesses sound
8 technical and administrative proficiency;
- 9 ii. The Chairperson should be knowledgeable of the technical and
10 artistic aspects of any one or more forms of music as a formal
11 discipline or of the business aspects of music as an industry;
- 12 iii. The Chairperson shall demonstrate integrity, independence, and
13 have good moral character; and
- 14 iv. The Chairperson should be fully committed to the growth and
15 development of Philippine music as an art and of Philippine
16 music as an industry, as well as advancing the objectives and
17 goals of this Council.

18 b. Roles and Functions of the Chairperson - The Chairperson shall have the
19 following functions:

- 20 i. Execute and administer the policies, plans, and programs
21 approved by the Council;
- 22 ii. Direct and supervise the operations and internal affairs of the
23 Council;
- 24 iii. Establish the internal organization and administrative
25 procedures of the Council;
- 26 iv. Recommend to the Council the appointment, transfer or detail,
27 suspension, dismissal for cause of its officials and employees; and
- 28 v. Perform such other functions which the Council may assign.

29 c. The Council - The Council shall have eleven (11) members, five of whom
30 shall be appointed regular members, while the other six shall be appointed
31 in an ex-officio capacity;

- 1 i. Regular Members of the Council - The five (5) regular members
- 2 of this Council shall be as follows:
- 3 1. A duly authorized representative from a legally constituted
- 4 musical artists' association;
- 5 2. A duly authorized representative from a legally constituted
- 6 music producers' association;
- 7 3. A duly authorized representative from a legally constituted
- 8 musical performers' association;
- 9 4. A duly authorized representative from a legally constituted
- 10 music composers' association; and
- 11 5. A duly authorized representative from the academe.
- 12 ii. Ex- Officio Members of the Council - The six (6) members who
- 13 shall be ex-officio members of the Council are the following:
- 14 1. The Secretary of the National Economic Development
- 15 Authority or his/her duly designed representative;
- 16 2. The Secretary of the Department of Trade and Industry or
- 17 his/her duly designed representative;
- 18 3. The Secretary of the Department of Labor and Employment or
- 19 his/her duly designed representative;
- 20 4. The Secretary of the Department of Foreign Affairs or his/her
- 21 duly designed representative;
- 22 5. The Secretary of the Department of Education or his/her duly
- 23 designed representative; and
- 24 6. The Chairperson of the National Commission for Culture and
- 25 Arts, or the Head of the National Subcommittee on Music
- 26 under the Subcommittee on the Arts.
- 27 d. Selection and Appointment of Chairperson and Regular Members - The
- 28 Chairperson and the regular members of the Council shall be selected and
- 29 appointed by the President from a shortlist submitted by an ad hoc selection
- 30 committee formed by the President for the purpose of selecting the
- 31 Chairperson and the regular members of the council.

1 The ad hoc committee shall be composed of select members and duly
2 authorized representatives of the musical artists' associations, the musical
3 producers' association, and representatives from the academe, preferably
4 from conservatories of music in the Philippines.

5 Sec. 6. *Term of Office.* – The Chairperson and the three (3) regular members shall
6 hold office for a term of three (3) years unless sooner removed by the President;
7 *Provided*, that they shall be eligible for reappointment after the expiration of their
8 respective terms; *Provided, further*, that no Chairperson or member shall serve for more
9 than two (2) consecutive terms. If the Chairperson or any of the members fails to
10 complete his/her term, the person appointed to fill the vacancy shall serve only for
11 the unexpired portion of the vacated term who she/he succeeded; *Provided, finally*,
12 that such service of the unexpired portion shall not be counted as a term.

13 Sec. 7. *Schedule of Regular Council Meetings.* – The Council shall meet at least
14 once a month or as often as necessary at the call of the Chairperson or a majority of
15 the members of the Council.

16 A majority of the members of the Council shall constitute a quorum to do
17 business. The members of the Council shall be entitled to honoraria based on existing
18 government accounting and auditing rules and regulations.

19 CHAPTER III

20 OPM BROADCASTING REQUIREMENT

21 Sec. 8. *Obligations of Radio Stations.* – All radio stations that have programs with
22 a musical format shall broadcast a minimum of four (4) original Pilipino musical
23 compositions in every clock hour of a program with a musical format or shall
24 cumulatively broadcast original Pilipino musical compositions for at least twenty
25 percent (20%) of the total number of minutes dedicated to programs with a music
26 format per day, whichever is applicable. For purposes of this section, "*original Pilipino*
27 *musical composition*" shall refer to any musical composition created by a Filipino,
28 whether the lyrics be in Filipino, English or in any other language or dialect.

29 Sec. 9. *Obligations of Television Stations.* – All television stations that have
30 programs with a musical format shall broadcast a minimum of four (4) original
31 Pilipino musical compositions in every clock hour of a program with a musical format
32 or shall cumulatively broadcast original Pilipino musical compositions for at least

1 twenty percent (20%) of the total number of minutes dedicated to programs with a
2 musical format per day, whichever is applicable. For purposes of this section, "*original*
3 *Pilipino musical composition*" shall refer to any musical composition created by a
4 Filipino, whether the lyrics be in Filipino, English or in any other language or dialect.

5 Sec. 10. *Exception.* - Sections 8 and 9 of this Act shall not apply when the radio
6 station or TV station program substantially devotes its broadcast within the clock
7 hour to a live event that is of national or local significance or is sanctioned by the
8 Philippine government.

9 Sec. 11. *Penalty.* - Any franchise holder or operator of a radio station or
10 television station which fails to broadcast the minimum number of original Pilipino
11 musical compositions in every clock hour of a program with a musical format shall be
12 fined in the amount of Five Thousand Pesos (Php 5,000.00) per violation. The National
13 Telecommunications Commission may, after due hearing, suspend or cancel the
14 Certificate of Registration and Authority to operate any radio station in the event of
15 repeated violations of this Act or its implementing rules and regulations.

16 CHAPTER IV

17 MISCELLANEOUS PROVISIONS

18 Sec. 12. *Authority to Accept Donations.* - The Council may accept donations,
19 contributions, grants, bequests, or gifts, in cash or in kind, from various sources,
20 domestic or foreign, except from producers and distributors for purposes relevant to
21 the functions of the Council. The said donations shall be deemed automatically
22 appropriated for purposes specified by the donor or in the absence thereof, for the
23 programs and projects as may be approved by the Council subject to the usual
24 auditing rules and regulations: *Provided*, that cash donations shall not be used to fund
25 the personal services requirements of the Council. Any donation, contribution,
26 subsidy, or financial aid which may be made to the Council shall be exempt from taxes
27 of any kind and shall constitute allowable deductions in full from the income of the
28 donors or contributors for income tax purposes.

29 Sec. 13. *Relationship with Other Government Agencies.* - The Council may request
30 any department, bureau, office, agency, or instrumentality of the government for such
31 assistance as may be needed in the performance of its functions.

