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

RECEIVED BY



SENATE
S. No. 2778

Introduced by Senator Robinhood Padilla

AN ACT
PROFESSIONALIZING THE TALENT MANAGEMENT INDUSTRY IN THE PHILIPPINES, REQUIRING A LICENSE THEREFORE, AND DEFINING THE LIABILITY OF MEDIA NETWORKS THAT OWNS, MANAGES, OR OPERATES A TALENT MANAGEMENT COMPANY

Explanatory Note

"The entertainment industry is vast and is a reflection of the society we live in." – Karrine Steffans

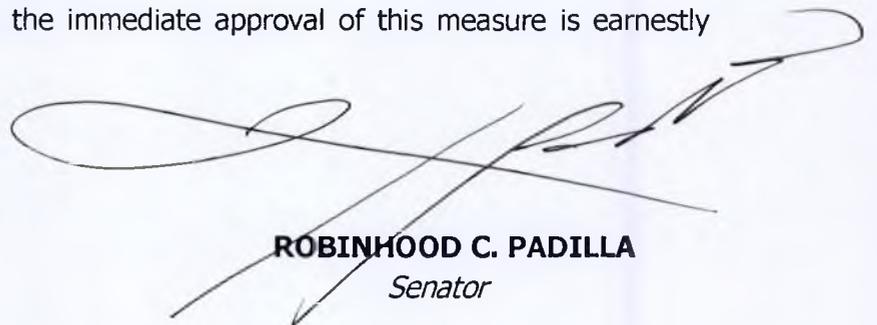
There is no statement more true than this. Indeed, the entertainment industry mirrors society, its values, and principles. It reflects the kind of people we are and the world we live in.

The entertainment industry goes beyond entertainment. It plays a vital role in the economic development of any country because it provides many job opportunities. In the Philippines, the entertainment industry serves as a fertile ground for nurturing skills and talents. Aspiring actors, musicians, and technicians find platforms to refine their abilities and forge careers. At the forefront of the entertainment industry is the industry of talent management, which provides training opportunities to help the artists develop skills that would help them perform better on stage.

At present, the industry of talent management is not professionalized. As a pillar in the entertainment industry, it is high time to establish standards that will enhance the quality of the work performed by talent managers and talent management companies by developing their skills and values associated with becoming part of a professional group.

This bill aims to professionalize the industry of talent management by requiring the talent managers to procure a license so that they may be bound by certain standards. They are also required to keep documents and records of their transactions in order that they may be regulated and monitored by the government. Further, it defines the liability of media networks that own, manage, or operate a talent management company. These talent management companies will be held against the same standards as that of the individual talent managers. Thus, the media networks with whom an individual talent manager has a contract with, or a talent management company that is owned, managed, or operated by a media network shall share the liability of the individual talent manager or the talent management company, in a subsidiary capacity, in case of a money judgment owing to the artists being managed by them. Lastly, the media network shall also be held liable for damages to the offended party in case the talent manager with whom the media network has a contract with, or an officer or employee of the talent management company that is owned, managed, or operated by a media network is found guilty of rape, sexual assault, sexual harassment, and violence.

In view of the foregoing, the immediate approval of this measure is earnestly sought.



ROBINHOOD C. PADILLA
Senator

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

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ARTICLE I
Title and Declaration of Policy

SECTION 1. *Title.* - This Act shall be known as the "Talent Management Act of the Philippines."

SEC. 2. *Declaration of Policy.* - The State recognizes the entertainment industry as a vital part of our society. The strength of the entertainment industry lies in the talent and competitiveness of the Filipino artists as well as the critical role of talent managers in shaping their careers. Thus, it is the policy of the State to professionalize the industry of talent management by requiring a license thereof, making talent managers responsible for their own conduct, and defining the liability of media networks that own, manage, or operate a talent management company.

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**ARTICLE II.
Definition of Terms**

SEC. 4. *Definition of Terms.* - As used in this Act, the following terms shall mean:

a.) *Talent Manager* - a person or corporation who engages in the occupation of procuring, offering, promising, or attempting to procure employment or engagements for an artist or artists; in addition, a talent manager counsels or directs artists in the development of their professional careers.

b.) *Artists* - actors and actresses rendering services on the legitimate stage and in the production of motion pictures, television shows, radio artists, musical artists, models, and other artists and persons rendering professional services in motion picture, theatrical, radio, television and other entertainment enterprises.

c.) *Media Network* - a group of different types of media outlets (television, radio, newspapers, magazines, etc.) that distribute information, news, entertainment, and other types of content to the general public.

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**ARTICLE III.
LICENSING REQUIREMENTS**

SEC. 5. *License.* - No person or corporation shall engage in, or carry on the occupation of a talent management without first procuring a license therefore from the Department of Labor and Employment (DOLE). The license shall be posted in a conspicuous place in the office of the licensee. The license number shall be referred to in any advertisement for the purpose of the solicitation of talent for the talent agency.

SEC. 6. *Application for License.* - A person or a corporation who intends to engage in the occupation of talent management shall make a written application for a license to the DOLE stating the following:

a.) Name and address of the applicant;

b.) If the applicant is a corporation, the corporate name, the names, residential addresses, and telephone numbers of all officers of the corporation, the names of all persons exercising managing responsibility in the applicant or licensee's

1 office, and the names and addresses of all persons having a financial interest
2 of 10 percent or more in the business and the percentage of financial interest
3 owned by those persons.

4 SEC. 7. *Duration of license.* The license shall have an effectivity of one (1) year
5 from the date of issuance, subject to renewal.

6 SEC. 8. *Revocation or Suspension of License.* - The DOLE may revoke or
7 suspend the license of a talent manager, or talent management corporation if the
8 following circumstances occur:

9 a.) The licensee or his or her agent has violated or failed to comply with any of
10 the provisions of this Act;

11 (b.) The licensee has ceased to be of good moral character;

12 (c.) The licensee has made any material misrepresentation or false statement
13 in his or her application for a license;

14 (d.) The licensee was convicted of a crime involving moral turpitude.

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**ARTICLE IV.
ADMINISTRATIVE REQUIREMENTS**

19 SEC. 9. *Form of Contract for Services of Talent Manager; Approval by DOLE -*

20 Every talent manager or talent management company shall submit to the DOLE a form
21 of contract to be utilized by such talent manager or talent management company in
22 entering into written contracts with artists for the employment of the services of such
23 talent manager or talent management company by such artists, and secure the
24 approval of the DOLE thereof. The contract will be denied approval if the proposed
25 form of contract is unfair, unjust and oppressive to the artist.

26 SEC. 10. *Schedule of fees.* - Every talent manager or talent management
27 company shall file with the DOLE a schedule of fees to be charged and collected in
28 the conduct of that occupation. Changes in the schedule may be made from time to
29 time, but no fee or change of fee shall become effective until seven days after the
30 date of filing thereof with the DOLE and until posted for not less than seven days in a
31 conspicuous place in the office of the talent manager or talent management company.

32 SEC. 10. *Record keeping.* - Every talent manager or talent management
33 company shall keep a record of the following:

- 1 1.) The name and address of each artist employing the talent manager
2 or talent management company;
3 2.) The amount of fee received from the artist;
4 3.) The employments secured by the artist during the term of the
5 contract between the artist and the talent manager or talent
6 management company, and the amount of compensation received by
7 the artists pursuant thereto.
8 4.) Any other information which the DOLE may require.

9 No talent manager or talent management company, its agent or employees,
10 shall make any false entry in any records.

11 SEC. 11. *Inspection of books and records by DOLE.* - All books, records, and
12 other papers kept pursuant to this Act by any talent manager or talent management
13 company shall be open at all reasonable hours to the inspection of the DOLE or its
14 agents. Every talent manager or talent management company shall furnish to the
15 DOLE, upon request, a true copy of such books, records, and papers or any portion
16 thereof, and shall make such reports as the DOLE prescribes.

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**ARTICLE V.
MEDIA NETWORKS OWNING, MANAGING, OR OPERATING A TALENT
MANAGEMENT COMPANY, AND THEIR LIABILITY**

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SEC. 12. *Media networks may own, manage, or operate a talent management
company.* - Media networks are allowed to own, manage, or operate a talent
management company that will develop and train artists for the media network. The
talent management company that is owned, managed, or operates as an arm of a
media network shall be considered a separate and independent entity from the media
network.

SEC. 13. *Subsidiary liability of media networks.* - In case of a money judgment
owing to a case filed by an artist being managed by the talent manager who has a
contract with a media network, or talent management company that is owned,
managed, or operates as an arm of a media network, and the latter has no sufficient
assets to satisfy the judgment, the media network shall be subsidiarily liable for the

1 civil liability of such talent manager or talent management company, despite being a
2 separate entity.

3 SEC. 14. *Civil Liability of Media Networks in cases of rape or sexual assault,*
4 *sexual harassment, and violence.* - In case of conviction for rape, sexual assault,
5 sexual harassment, and violence of a talent manager who has a contract with a media
6 network, or the officers or employees of a talent management company that is owned,
7 managed, or operated by a media network, the media network shall be liable for
8 damages to the offended party thereof.

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ARTICLE VI.
FINAL PROVISIONS

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SEC. 15. *Implementing Rules and Regulations.* — Within six (6) months after the
effectivity of this Act, the Board, subject to the approval of the Commission, shall promulgate,
adopt, and issue rules and regulations, and the Code of Ethics and the Code of Technical
Standards for Paralegals which shall take effect fifteen (15) days following publication in the
official Gazette or newspaper of general circulation.

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SEC. 16. *Separability Clause.* — If any clause, sentence, paragraph, or part of this
Act shall be declared invalid or unconstitutional, the other provisions not affected thereby shall
remain valid and subsisting.

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SEC. 17. *Repealing Clause.* — All laws, presidential decrees or issuances, executive
orders, letters of instruction, administrative orders, proclamations, charters, rules or
regulations and/or parts thereof contrary to or inconsistent with the provisions of this Act are
hereby repealed, modified, or amended accordingly.

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SEC. 18. *Effectivity Clause.* — This Act shall take effect fifteen (15) days following
its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,