

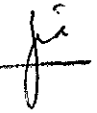
SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'13 AUG 28 P5:22

S E N A T E
S.B. No. 1391

RECEIVED BY: 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

Since the passage of Republic Act 7356 in 1992, the National Commission for Culture and the Arts has served as the overall policy-making and coordinating body of all programs and plans related to the conservation, development and promotion of Philippine arts and culture. This significant function performed by the NCCA was affirmed by Executive Order No. 80, Series of 1999 and further strengthened by RA 9155 which administratively attaches to the said Commission the other cultural agencies, namely the Cultural Center of the Philippines, the National Museum, the National Library of the Philippines, the National Historical Commission of the Philippines, the National Archives of the Philippines and the *Komisyon sa Wikang Filipino*.

Recognizing the role played by the NCCA in implementing the cultural programs of the government despite the limited resources and the importance of the culture and the arts in the enrichment of the Filipino identity, this bill seeks to reorganize the existing NCCA into the Department for Culture and the Arts, thereby ensuring its place in the priorities of the government

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


LOREN LEGARDA

Senator

'13 AUG 28 P5:22

SENATE
S.B. No. 1391

RECEIVED BY: ja

Introduced by Senator LOREN LEGARDA

AN ACT
CREATING THE DEPARTMENT OF CULTURE, DEFINING ITS
POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES

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

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SECTION 1. Short Title. This Act shall be known as the "Department of Culture Act of 2013."

- SEC. 2. Declaration of Policy.** It is hereby declared the policy of the State:
- a. To recognize that culture is a unifying, humanizing and modernizing agent of any society;
 - b. To use culture as a measure for the formulation of appropriate and significant political and economic policy that will better serve Filipinos;
 - c. To foster and accelerate the convergence of various - cultural offices and agencies;
 - d. To ensure that all Filipinos enjoy full cultural rights, take full advantage of a dynamic cultural experience, celebrate the country's history and heritage and participate in the building of cultural communities;
 - e. To recognize that cultural education is the right of every citizen and therefore ensure that cultural literacy is inculcated in the development and education of all Filipinos;
 - f. To promote the national language of the country while enhancing the linguistic diversity of the Philippines; and

- 1 g. To create a centralized body which will develop and monitor the
- 2 implementation of policy, legislation and strategic direction for the
- 3 identification, conservation and promotion of cultural heritage
- 4 h. To recognize culture/ heritage as a right of every citizen;
- 5 i. To recognize, respect and promote the independence of the artist, and
- 6 the integrity of artistic production, and of artistic works.

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8 **SEC. 3. *Creation of the Department of Culture.*** There is hereby created the

9 Department of Culture, hereinafter referred to as the Department, which shall

10 carry out the above-declared policies and assume the powers and functions of

11 the following national offices, agencies and departments in matters pertaining

12 to the promotion, preservation and synthesis of national culture and heritage:

- 13 a. Department of Education
- 14 b. National Commission for Culture and the Arts
- 15 c. Department of Tourism
- 16 d. Department of Foreign Affairs
- 17 e. National Book Development Board

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19 **SEC. 4. *Mandate.*** The Department shall be the primary policy, planning,

20 coordinating, implementing, regulating and administrative entity of the

21 executive branch of the Government that will promote, develop and instill

22 pride for the country's culture and heritage.

23

24 **SEC. 5. *Powers and Functions.*** The Department shall exercise the following

25 powers and functions:

- 26 a. Formulate, recommend and implement national policies, plans,
- 27 programs and guidelines for the development and promotion of
- 28 national culture, language and heritage and provide wider and
- 29 convenient access by the citizens to the same;
- 30 b. Initiate, harmonize and coordinate all culture-related plans and
- 31 initiatives of government agencies to ensure overall consistency and
- 32 harmony with cultural objectives in particular, and national
- 33 objectives in general;
- 34 c. Represent the Philippine interest on matters pertaining to culture in
- 35 international bodies;

- 1 d. Promote knowledge, information and resource sharing, database
2 building and agency linkages among various government agencies;
- 3 e. Ensure the development and protection of Filipino culture and
4 heritage and coordinate all relevant government entities;
- 5 f. Coordinate and support the generation and acquisition and
6 accessibility of necessary resources as may be appropriate for the
7 development and growth of cultural sectors, and programs;
- 8 g. Encourage and establish guidelines for the use of public-private
9 partnerships in the implementation of cultural projects;
- 10 h. Assess, review and support historical and cultural research and
11 development programs of the government the Commission on
12 Filipino Language, and other concerned institutions;
- 13 i. Coordinate with the Department of Trade and Industry in the
14 promotion of trade and investment opportunities, the development
15 and coordination of creative industries, and protection of investor
16 interests in cultural development and promotion;
- 17 j. In coordination with concerned agencies, promote strategic
18 partnership and alliances among and between local and
19 international bodies and institutions, concerned with research and
20 development, education and training ;
- 21 k. Develop, institute and carry-out the training of cultural officers and
22 attaches from different concerned offices and agencies of the
23 National Government;
- 24 l. Coordinate and monitor all Sentro Rizal offices established or to be
25 established;
- 26 m. Administer the qualification, selection and awarding of the Gawad
27 ng Manlilikha ng Bayan award, the Orden ng Gawad Pambansang
28 Alagad ng Sining and all other organizational artistic and creative
29 awards;
- 30 n. Administer the Fund as specified in Section 13 and, in coordination
31 with the Department of Budget and Management, establish
32 guidelines for the disbursement and management of the Fund,
33 including the monitoring and evaluation system of projects funded
34 under it.

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1 **SEC. 6. *Composition.*** The Department of Culture shall be headed by a
2 Secretary. The Department proper shall be composed of the Office of the
3 Secretary, the offices of the Undersecretaries and the Assistant Secretaries.

4 **SEC. 7. *Secretary of Culture.*** The Secretary shall be appointed by the
5 President.

6 The Secretary shall have the following functions:

- 7 a. Provide executive direction and supervision over the entire
8 operations of the Department and its attached agencies;
- 9 b. Establish policies and standards for the effective, efficient and
10 economical operation of the Department, in accordance with the
11 programs of Government;
- 12 c. Rationalize delivery systems necessary for the effective attainment of
13 the objectives of the Department, in accordance with the programs of
14 Government;
- 15 d. Review and approve requests for financial and manpower resources
16 of all operating offices of the Department;
- 17 e. Designate and appoint officers and employees of the Department,
18 excluding the Undersecretaries, Assistant Secretaries, and Regional
19 and Assistant Regional Directors, in accordance with the Civil
20 Service laws, rules and regulations;
- 21 f. Sit as Chairman of the Board of the Cultural Center of the
22 Philippines;
- 23 g. Coordinate with LGUs, other agencies and public and private
24 interests groups, including non-government organizations (NGOs)
25 and people's organizations (POs) on Department policies and
26 initiatives;
- 27 h. Advise the President on the promulgation of executive and
28 administrative orders and regulatory and legislative proposals on
29 matters pertaining to cultural development and preservation;
- 30 i. Formulate such rules and regulations and exercise such other
31 powers as may be required to implement the objectives of this Act;
- 32 j. Perform such other tasks as may be provided by Law or assigned by
33 the President from time to time.

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35 **SEC. 8. *Undersecretaries and Bureaus.*** The Secretary shall be assisted by at
36 least four (4) Undersecretaries, who shall be appointed by the President upon

1 the recommendation of the Secretary. Each undersecretary shall head one (1)
2 of the following bureaus:

- 3 a. Bureau of Arts and Artists Development
- 4 b. Bureau of Heritage Development
- 5 c. Bureau of Cultural Education and Information
- 6 d. Bureau of Creative Industries

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8 **SEC. 9. *Assistant Secretaries.*** The Secretary shall be assisted by at least four
9 (4) Assistant Secretaries who shall be career officers appointed by the
10 President upon the recommendation of the Secretary.

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12 **SEC. 10. *Qualifications.*** No person shall be appointed Secretary,
13 Undersecretary or Assistant Secretary of the Department unless he/she is a
14 citizen and resident of the Philippines of good moral character, and of proven
15 integrity.

16
17 The Secretary of the Department, in particular, shall be a Filipino
18 recognized as an efficient arts and culture manager, and/or an accomplished
19 artist.

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21 **SEC. 11. *Creation of The National Academy of the Arts*** – There is hereby
22 created a National Academy of the Arts, the primary function of which shall
23 be to serve as an apolitical body that will advise the Department and the
24 Secretary in all matters of culture and the arts. All members of the Academy
25 shall be Filipinos respected for their expertise and education in arts and
26 culture.

27 Members of the Academy shall receive reasonable per diems from the
28 Department whenever their services or advice are solicited.

29 Members of the Academy shall be selected according to the Rules to be
30 established by the Department. All members of the Academy shall be
31 members for life.

32 Upon the creation of the Department, living national artists shall serve
33 as the initial members of the Academy.

34
35 **SEC. 12. *Transfer of Agencies and Personnel.***

- 1 a. The powers, functions, duties and responsibilities of the National
2 Commission for Culture and the Arts (NCCA), so long as it is not
3 contrary to this Act, is hereby absorbed by the Department, and all
4 appropriations, records, equipment, property, and personnel of the
5 NCCA shall be transferred to the Department;
- 6 b. The following agencies are hereby attached to the Department for
7 policy and program coordination, and shall continue to operate and
8 function in accordance with the charters, laws or orders creating
9 them, insofar as they are not inconsistent with this Act:
- 10 1. National Historical Commission of the Philippines
 - 11 2. National Archives of the Philippines
 - 12 3. National Museum
 - 13 4. National Library of the Philippines
- 14
- 15 c. The laws and rules on government reorganization as provided for
16 in Republic Act No. 6656, otherwise known as the Reorganization
17 Law, shall govern the reorganization process of the Department.
18

19 **SEC. 13. *National Endowment Fund for Culture and the Arts.*** The National
20 Endowment Fund for Culture and the Arts, (NEFCA) created under Republic
21 Act 7356 shall remain intact and shall be administered by the Department.
22

23 **SEC. 14. *Structure and Staffing Pattern.*** The Department shall determine its
24 organizational structure and create new divisions or units as it may deem
25 necessary, and shall appoint officers and employees of the Department in
26 accordance with the Civil Service Law, rules, and regulations.
27

28 **SEC. 15. *Separation from Service.*** Employees separated from the service as a
29 result of this reorganization shall, within ninety (90) days therefrom, receive
30 the separation and retirement benefits to which they may be entitled under
31 Executive Order No. 366. Provided that such separation pay and retirement
32 benefits shall have priority of payment out of the savings of the department
33 or agency.
34

35 **SEC. 16. *Appropriation.*** The amount needed for the initial implementation of
36 this Act shall be taken from the current fiscal year's appropriation of the

1 NCCA through the Office of the President and all agencies herein absorbed
2 by or attached to the Department. Thereafter, the amount needed for the
3 operation and maintenance of the Department shall be included in the
4 General Appropriations Act, provided that for the next fiscal year, the
5 amount shall be One Billion Pesos (Php 1,000,000,000.00),

6 **SEC. 17. *Repealing Clause.*** All laws, decrees, executive orders, rules and
7 regulations and other issuances or parts thereof that are inconsistent with this
8 Act are hereby repealed, amended or modified accordingly.

9

10 **SEC. 18. *Separability Clause.*** If any provision of this Act shall be declared
11 unconstitutional or invalid, the other provisions not otherwise affected shall
12 remain in full force and effect.

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14 **SEC. 19. *Effectivity Clause.*** This Act shall take effect fifteen (15) days from its
15 publication in at least two (2) papers of general circulation.

16

17 *Approved.*