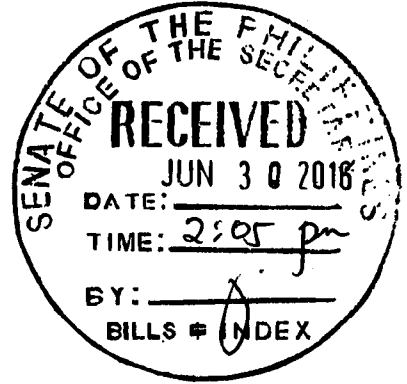


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



S E N A T E

S.B. No. 31

Introduced by SENATOR LOREN LEGARDA

**AN ACT ESTABLISHING THE DEPARTMENT OF CULTURE AND
THE ARTS, STRENGTHENING THE NATIONAL ENDOWMENT
FOR CULTURE AND THE ARTS, AND FOR OTHER PURPOSES**

Explanatory Note

Since the passage of Republic Act 7356 in 1992, the National Commission for Culture and the Arts (NCCA) 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.

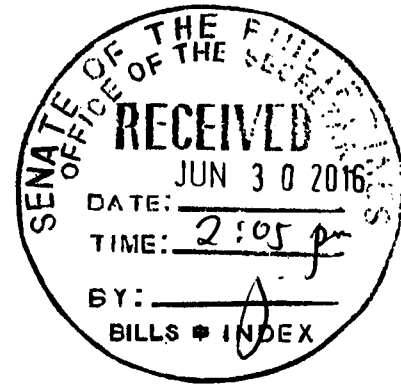
Recognizing the role played by the NCCA in implementing the cultural programs of the government despite the limited resources and the importance of the culture and the arts in the enrichment of the Filipino identity, this bill seeks to reorganize the existing NCCA into the Department of Culture and the Arts, thereby ensuring its place in the priorities of government. Moreover, it seeks to include the Film Development Council of the Philippines (FDCP) and the Movie and Television Review and Classification Board (MTRCB) to the agencies attached to it to ensure coordination with the use of various media in the promotion of arts and culture.

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


LOREN LEGARDA

Senator

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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S E N A T E

S.B. No. 31

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

1 **SECTION 1. Title** - This Act shall be known as the "Department of Culture
2 and the Arts Act."
3

4 **SEC. 2. Declaration of Policy.** It is hereby declared the policy of the State to
5 give priority to the culture and the arts to foster patriotism and nationalism,
6 accelerate social progress and promote total human liberation and
7 development. It shall foster the preservation, enrichment, and dynamic
8 evolution of a Filipino national culture based on the principle of unity in
9 diversity in a climate of free artistic and intellectual expression.
10

11 **SEC. 3. The Department of Culture and the Arts.** To carry out the policies
12 and purposes of this Act, the National Commission for Culture and the Arts is
13 hereby reorganized into the Department of Culture and the Arts, hereinafter
14 referred to as the Department, in accordance with the provisions of this Act.
15

16 **SEC. 4. Powers and Functions of the Department.** In furtherance of the
17 objectives of this Act, the Department shall continue to exercise the powers and
18 functions of the National Commission for Culture and the Arts in addition to
19 the powers and functions as herein provided.
20

21 **SEC. 5. Organization.** The Department shall consist of the Department Proper
22 and all its attached agencies and corporations.

1 **SEC. 6. Department Proper.** The Department Proper shall consist of the
2 existing staff services as provided for under Republic Act 7356 which are
3 hereby transformed into the following offices:
4

5 (a) Office of the Secretary. The office of the Secretary shall consist of the
6 Secretary and his immediate staff.
7

8 (b) Office of the Undersecretaries. The Secretary shall be assisted by five (5)
9 Undersecretaries, one (1) on the Arts, one (1) on Cultural Heritage, one (1) on
10 Cultural Dissemination, one (1) on Cultural Communities and the Traditional
11 Arts, and one (1) International Linkages and two (2) career Assistant
12 Secretaries.
13

14 **SEC. 7. Head of Department.** The head of the Department hereinafter referred
15 to as the Secretary shall be appointed by the President subject to confirmation
16 of the Commission on Appointments. The Secretary must have distinguished
17 track record and long-standing commitment to the culture and the arts.
18

19 **SEC. 8. General Powers, Term of Office and Functions of the Secretary.**
20 The authority and responsibility for the exercise of the Department's powers
21 and functions shall be vested in the Secretary, who shall hold office at the
22 pleasure of the President and shall receive the compensation, allowances and
23 other emoluments to which heads of departments are entitled.
24

25 **SEC. 9. Specific Duties and Functions of the Secretary.** Except for Section
26 13.b., in addition to his powers and functions as provided in Republic Act
27 7356, the Secretary as Department head shall have the following powers and
28 functions:
29

30 (a) Prepare and submit periodic reports, including an Annual Report on the
31 Growth and Expenditure of the National Endowment for the Arts, including but
32 not limited to the sponsorship of distinguished arts students and artists for
33 further scholarship and training abroad, and such other reports as the
34 President and Congress may require;
35

1 Further, the Secretary is required to ensure the artistic integrity and
2 independence of cultural agencies under its administration, including but not
3 limited to the Cultural Center of the Philippines, particularly in the conferment
4 of the Gawad ng Manlilikha ng Bayan Award, the Orden ng Gawad
5 Pambansang Alagad ng Sining and all other organizational awards it
6 administers, and in safeguarding the academic freedom of the Philippine High
7 School of the Arts—an attached agency of the Cultural Center of the
8 Philippines, including but not limited to the selection of its arts scholars for
9 state patronage.

10
11 **SEC. 10. The Office of the Undersecretaries.** The Department shall oversee
12 the operation and maintenance of the National Committees as stated under
13 Republic Act 7356 under the following Offices of the Undersecretaries.

14
15 (a) Office of the Undersecretary on Cultural Heritage, which shall cover but will
16 not be limited to the following areas: libraries and information services;
17 archives; museums; galleries, monuments and sites; and historical research;

18
19 (b) Office of the Undersecretary on the Arts, which shall cover but will not be
20 limited to the following areas: literary arts, visual arts, architecture, dramatic
21 arts, broadcast arts, musical arts, dance and film;

22
23 (c) Office of the Undersecretary on Cultural Dissemination, which shall cover
24 but will not be limited to the following areas: language and translation, cultural
25 events, cultural education and information;

26
27 (d) Office of the Undersecretary on Cultural Communities and Traditional Arts,
28 which shall cover but will not be limited to the following areas: Agta culture
29 and art; cultures and arts of Northern cultural communities, Southern cultural
30 communities, Muslim cultural communities and lowland cultural communities.

31
32 (e) Office of the Undersecretary on International Linkages which shall be
33 responsible for coordinating efforts with other relevant government agencies,
34 primarily the Department of Foreign Affairs in the realm of cultural diplomacy
35 with other countries

36

1 **SEC. 11. Local, Provincial or Regional Councils.** The Department may
2 establish or coordinate with local, provincial or regional government or non-
3 government councils/groups to promote, develop, and implement programs
4 and plans of the Department.

5
6 **SEC. 12. The National Academy of Culture and the Arts.** The Chairpersons
7 of the National Committees shall form the National Academy of Culture and the
8 Arts.

9
10 **SEC. 13. Attached Agencies and Corporations.** The Cultural Center of the
11 Philippines, the National Museum, the National Library of the Philippines, the
12 National Historical Commission of the Philippines, the National Archives of the
13 Philippines, the *Komisyon sa Wikang Filipino*, the Film Development Council of
14 the Philippines, and the Movie and Television Review and Classification Board
15 are hereby placed under the supervision of the Department, but shall continue
16 to operate under their respective charters insofar as they are not inconsistent
17 with this Act. Their annual budget shall be included in the budget of the
18 Department to be submitted to Congress for approval.

19
20 The Secretary shall, in a concurrent capacity, be the *ex officio* chairman of the
21 respective boards of the Cultural Center of the Philippines, the National
22 Museum, the National Library of the Philippines, the National Historical
23 Commission of the Philippines, the National Archives of the Philippines, the
24 *Komisyon sa Wikang Filipino*, the Film Development Council of the Philippines,
25 and the Movie and Television Review and Classification Board.

26
27 **SEC. 14. The National Endowment for Culture and the Arts.** For the first
28 five years of implementation of this Act, the amount of two hundred million
29 pesos (P200,000,000.00) shall be infused to the existing National Endowment
30 for Culture and the Arts which shall be taken from the annual General
31 Appropriations passed by Congress. Provided, the use of the earnings of the
32 said Endowment shall include but not be limited to the patronage of renowned
33 arts scholars and artists for further training and studies abroad and the
34 promotion of the country's indigenous culture in other parts of the world.

35

1 **SEC. 15. Commissioner of the National Commission for Culture and the**
2 **Arts on Holdover Capacity.** - The incumbent Commissioner of the National
3 Commission for Culture and the Arts shall perform the functions of the
4 Secretary for Culture and the Arts on holdover capacity until such time when a
5 new Secretary shall have been appointed by the President and confirmed by the
6 Commission on Appointments.

7
8 **SEC. 16. Transitory Provisions.** - All the personnel, properties, assets and
9 liabilities of the National Commission for Culture and the Arts created by
10 Republic Act 7356, are hereby transferred to the Department as its successor-
11 in-interest.

12
13 Within six (6) months after the first meeting of the Department, it shall
14 harmonize the policies of the cultural agencies referred to, but not limited to,
15 those enumerated in Section 13 of this Act, with those of the Department as
16 the overall policy-making and coordinating body. If merited, it shall
17 recommend the abolition, merger, union of existing offices and agencies
18 consistent with the objectives and provisions of Executive Order No. 366 series
19 of 2005.

20
21 **SEC. 17. Implementing Rules and Regulations.** - Within ninety (90) days
22 from his appointment, the Secretary shall promulgate rules and regulations
23 necessary to ensure the effective implementation of this Act.

24
25 **SEC. 18. Separability Clause.** - If any portion or provision of this Act is
26 declared unconstitutional, the same shall not effect the validity and effectivity
27 of the other provisions not affected thereby.

28
29 **SEC. 19. Repealing Clause.** - All laws, decrees, executive orders, rules and
30 regulations, and other issuances or parts thereof which are inconsistent with
31 this Act hereby repealed, amended or modified accordingly. The provisions of
32 Republic Act 7356 shall remain valid insofar as they are not inconsistent with
33 the provisions of this Act.

34
35 **SEC. 20. Effectivity.** - This Act shall take effect after fifteen (15) days
36 following its publication in two (2) national newspapers of general circulation.

1

2 Approved,