



SENATE

S. No. 1529

PREPARED JOINTLY BY THE COMMITTEES ON EDUCATION,
ARTS AND CULTURE; WAYS AND MEANS; AND FINANCE,
WITH SENATORS LEGARDA, TRILLANES IV, BINAY,
AQUINO IV, EJERCITO, ESCUDERO, ZUBIRI AND DE LIMA
AS AUTHORS

AN ACT STRENGTHENING THE NATIONAL MUSEUM
OF THE PHILIPPINES, REPEALING FOR THE
PURPOSE REPUBLIC ACT NO. 8492, OTHERWISE
KNOWN AS THE NATIONAL MUSEUM ACT OF
1998, AND APPROPRIATING FUNDS THEREFOR

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

1 SECTION 1. *Short Title.* – This Act shall be known as
2 the “National Museum of the Philippines Act”.

3 SEC. 2. *Declaration of Policy.* – It is the policy of the
4 State to pursue and support the cultural development of
5 the Filipino people, through the preservation, enrichment
6 and dynamic evolution of Filipino national culture, based

1 on the principle of unity in diversity in a climate of free
2 artistic and intellectual expression.

3 SEC. 3. *Name of the Agency.* – The National Museum
4 is hereby renamed as the “National Museum of the
5 Philippines”, or, alternatively in Filipino, “*Pambansang*
6 *Museo ng Pilipinas*”.

7 The shortened name “National Museum” or
8 “*Pambansang Museo*” shall be understood as exclusively
9 referring to the same, and its use in any manner or part of
10 any name with respect to any institution within the
11 Philippines shall be reserved exclusively to the same.

12 Hereinafter in this Act, the National Museum of the
13 Philippines shall be referred to as either the National
14 Museum or the Museum.

15 SEC. 4. *Mandate, Duties and Functions.* – The
16 National Museum shall be the primary institution of the
17 State for the management and development of museums
18 and collections of national scope or significance in the
19 areas of historical and cultural heritage, arts, and natural
20 history, for purposes of protecting, preserving, studying

1 and promoting the national patrimony for the benefit of
2 current and future generations, supporting education and
3 social progress, and contributing to economic development
4 through educational, scientific, cultural, tourism and
5 leisure services and industries. It shall be a permanent
6 institution in the service of the entire national community
7 and its development, accessible to the public, and not
8 intended for profit.

9 In this regard, the Museum shall:

10 (a) Function as an educational, cultural and
11 scientific institution that, through its operations, projects
12 and programs, documents, acquires, preserves, exhibits,
13 and fosters scholarly study and public appreciation of
14 works of art, specimens, cultural and historical artifacts,
15 indigenous and folk practices, and intangible cultural
16 heritage representative of, or unique to, the historical,
17 cultural and artistic heritage of the Filipino people and the
18 natural history of the Philippines, as well as their
19 significance to the nation;

1 (b) Establish, manage and develop the National
2 Museum of the Philippines Complex in Rizal Park, Manila,
3 other central museums, as well as regional museums, sites
4 and other facilities, and promote the principles of universal
5 access by the public;

6 (c) Manage and develop the national collections of
7 the Republic of the Philippines in the areas of historical
8 and cultural heritage, arts, and natural history;

9 (d) Carry out permanent research programs
10 combining integrated laboratory and field work in
11 biodiversity, geological history, human origins, pre-
12 historical and historical archaeology, maritime and
13 underwater cultural heritage, ethnology and indigenous
14 practices, art history, immovable, movable and intangible
15 cultural properties, and similar or associated fields;

16 (e) Disseminate technical and museological skills
17 and support museum development in the country;

18 (f) Extend technical assistance in the preservation
19 and restoration of cultural properties of national
20 significance; and

1 (g) Carry out any and all other functions
2 characteristic of public collecting and research museum
3 institutions of similar mandate and national scope, in line
4 with prevailing international principles and best practices.

5 SEC. 5. *Agency Classification and Attachment.* – The
6 Museum shall be classified as a National Government
7 Agency and as an attached agency of the National
8 Commission for Culture and the Arts (NCCA), which shall
9 exercise administrative supervision and budgetary and
10 policy coordination over the Museum through its Head of
11 Agency and in coordination with its Board of Trustees as
12 constituted herein.

13 SEC. 6. *Permanent Home in the National Capital.* –
14 The whole Executive House, also known as the old
15 Congress or Legislative Building, the Department of
16 Finance Building and the Department of Tourism,
17 originally Agriculture and Commerce Building, on
18 Agrifina Circle in Rizal Park in the City of Manila shall be
19 the permanent and exclusive site of the Museum, and shall

1 form the core of the National Museum of the Philippines
2 Complex in the National Capital.

3 Likewise included in the Museum Complex is the
4 existing building of the National Planetarium, located in
5 Rizal Park and since 1975 operated by Museum, together
6 with its lot as presently delineated.

7 *SEC. 7. Evidence of Title to Structures and Lands. –*
8 The record of the description of such structures and lands
9 appropriated to the Museum for its Museum Complex by
10 virtue of this Act, or a copy thereof, certified by the Board
11 of Trustees, shall be received as evidence in all courts of
12 the extent and boundaries of the structures and lands
13 appropriated to the Museum.

14 *SEC. 8. Preservation of the Former Senate Session*
15 *Hall. –* Without prejudice to its appropriate use in the
16 operations of the Museum, the Museum shall preserve the
17 former Senate Session Hall in the Old Legislative Building
18 as a tribute to the legacy of the great men and women of
19 the Philippine Senate for their invaluable contributions to
20 the Filipino people, and as a relic where democracy and

1 freedom reigned and events of national significance
2 transpired.

3 SEC. 9. *Dedication of the Museum Complex to Dr. Jose*
4 *Rizal.* – The Museum Complex, being part of Rizal Park in
5 Manila, shall be dedicated to the life, work, martyrdom
6 and memory of the National Hero, Dr. Jose Rizal, whose
7 encyclopedic range of intellectual, professional, and
8 patriotic interests are to be imbued as far as possible in the
9 Museum's public operations and activities throughout its
10 Museum Complex in the fields of history and literature in
11 addition to anthropology, fine arts, architecture and the
12 natural sciences, among others.

13 SEC. 10. *Master Plan of the Museum Complex.* – The
14 Museum shall develop the National Museum Complex with
15 reference to the Burnham Plan for Manila of 1905, to
16 include such institutional exigencies as public exhibition,
17 activity and function halls, office and operational spaces,
18 museological and technical facilities, premises for
19 commercial operations, vehicular parking, integrative
20 infrastructure between its constituent buildings, parks and

1 otherwise green areas, and other kinds of public spaces,
2 both above and below ground. The Museum shall likewise
3 implement a design for a large public plaza and park
4 fronting the Old Legislative Building, integrating it with
5 Intramuros and exposing features of the former moat in
6 this area.

7 The Museum shall be the primary government entity
8 responsible for the preservation of the Gomburza
9 Monument by Solomon Sapid, opposite the old legislative
10 building, and the sentinel of freedom, or Lapu-Lapu
11 Monument, by Juan Sajid Imao, in the present Agrifina
12 Circle of Rizal Park, and shall ensure that the continued
13 centrality and appropriate prominence of these monuments
14 in their respective vicinities shall be maintained or
15 otherwise enhanced further in any development that the
16 Museum may seek to implement relative to the National
17 Museum Complex.

18 For these purposes, the Museum shall formulate a
19 Master Plan that shall be approved by its Board of
20 Trustees within one (1) year of the effectivity of this Act, to

1 be funded by the proceeds of its Endowment Fund or other
2 allowable sources of funds in accordance with existing
3 laws, and shall transmit the same to the Office of the
4 President for higher approval towards programming its
5 consequent implementation in a systematic manner.

6 Implementation of the approved master plan, and
7 consequent administration and operation by the Museum
8 of the National Museum Complex, shall be given the
9 highest consideration and strongest appropriate support by
10 the agencies of the National Government that have
11 jurisdiction over concerned properties, structures and
12 utilities, as well as by the government of the City of
13 Manila.

14 SEC. 11. *Central Museums.* – The central museums of
15 the Museum shall include the existing National Museum of
16 Fine Arts, National Museum of Anthropology, National
17 Museum of Natural History and the National Planetarium.
18 The Museum is hereby directed to also take steps towards
19 the establishment of central museums dedicated to
20 archaeology, maritime and underwater cultural heritage,

1 architectural arts and built heritage, and political and
2 social history, which may be established within its
3 Museum Complex or elsewhere within the National
4 Capital Region as appropriate.

5 SEC. 12. *Regional Museums and Satellite Offices.* –

6 The Museum shall maintain its existing regional museums
7 and satellite offices and, if none exists, establish a regional
8 museum and satellite office in each administrative region
9 of the Philippines beyond the National Capitol Region:
10 *Provided,* That this regional network of the Museum be
11 harmonized with that of the NCCA and that any
12 institutional duplication be avoided; as such, the
13 appropriate transfer or sharing of regional facilities
14 between the Museum, NCCA and any other attached
15 agencies of NCCA may be undertaken at the initiative of
16 the NCCA Chairman for the purpose of better realizing the
17 collective mandates of the same.

18 Area and site museums and offices shall also be
19 established wherever necessary, and under the same terms
20 and conditions with relation to NCCA.

1 The specific sites of the new regional, area and site
2 museums and satellite offices shall be selected based on
3 considerations of geography, population distribution, and
4 administrative efficiency as well as of outstanding national
5 artistic, cultural and natural heritage significance, and
6 educational, environmental and tourism considerations.

7 Appropriate staffing patterns for such existing and
8 projected museums and offices shall be formulated and
9 endorsed by the Board of Trustees for the approval of the
10 Department of Budget and Management.

11 SEC. 13. *The Board of Trustees.* – The Museum shall
12 be governed by a Board of Trustees, with the following
13 powers and functions:

14 (a) To represent and mobilize pertinent areas of the
15 private sector and the public sector in support of the
16 mission and aims of the Museum;

17 (b) To serve as the appointing authority for the Head
18 of Agency and Agency Management;

19 (c) To exercise general oversight on behalf of both
20 the private and public sector over the operations and

1 performance of the Museum through the Head of Agency
2 and Agency Management;

3 (d) To approve strategic policies, goals and directions
4 for the Museum where necessary, and any such special
5 projects and programs as it may consider appropriate to
6 carry out for its benefit, for implementation through the
7 Head of Agency and Agency Management;

8 (e) To administer the Museum Endowment Fund,
9 Museum Donations Fund and Museum Income Fund as
10 provided for in this Act;

11 (f) To consider and appropriately dispose of appeals
12 regarding administrative decisions of the Head of Agency,
13 where appropriate in line with pertinent laws and
14 issuances; and

15 (g) To carry out such other functions as provided
16 herein, as well as in other pertinent laws and issuances.

17 SEC. 14. *Composition of the Board of Trustees.* – The
18 Board of Trustees shall comprise fifteen (15) members, to
19 be composed of the following:

1 (a) Eight (8) representatives of the private sector, all
2 citizens of the Philippines, each with a demonstrated
3 personal or professional commitment to the mission and
4 aims of the Museum, to include one (1) distinguished
5 Filipino artist, architect or cultural worker, one (1)
6 distinguished Filipino anthropologist or historian, and one
7 (1) distinguished Filipino scientist in the field of natural
8 history;

9 (b) The Chairperson of the appropriate committee of
10 the Senate covering the field of culture, as an *ex officio*
11 member;

12 (c) The Chairperson of the appropriate committee of
13 the House of Representatives covering the field of culture,
14 as an *ex officio* member;

15 (d) The Secretary of Education, as an *ex officio*
16 member;

17 (e) The Secretary of Environment and Natural
18 Resources, as an *ex officio* member;

19 (f) The Secretary of Tourism, as an *ex officio*
20 member;

1 (g) The Chairperson of the National Commission for
2 Culture and the Arts, as an *ex officio* member; and

3 (h) The Director-General of the Museum, as an *ex*
4 *officio* member.

5 SEC. 15. *Appointment of Trustees.* – The private
6 sector representatives shall be appointed by the President
7 of the Philippines for a term of four (4) years, and are
8 eligible for reappointment to succeeding terms of four (4)
9 years, based on merit and performance. Appointment to a
10 position vacated due to death, disability, resignation or any
11 similar cause, shall be for the duration of said unexpired
12 term only.

13 The Chairperson of the Board shall be designated by
14 the President of the Philippines from among the members
15 representing the private sector. Such designation shall be
16 effective for the current term of the representative
17 concerned. In the absence of any such designation, the
18 Board may elect an acting chairperson until such
19 designation shall be made by the President.

1 This section shall be effective only with respect to the
2 appointment of new Trustees after the effectivity of this
3 Act, and upon the expiry of the respective terms of
4 incumbent Trustees, if any.

5 SEC. 16. *Organization of the Board of Trustees.* – The
6 Board of Trustees shall meet at any agreed location within
7 the Philippines, and the presence of six (6) of its members
8 shall constitute a quorum.

9 The members of the Board of Trustees shall serve
10 without compensation, but shall be entitled to an
11 appropriate honorarium for attendance at regular
12 meetings to be held no less than once every three (3)
13 months, and at any such special meetings as may be called,
14 in accordance with pertinent laws and guidelines, as well
15 as appropriate expenses and allowances related to travel
16 and participation in the official activities of the Museum,
17 within the Philippines and overseas, with the necessity of
18 such to be certified by the Director-General of the Museum
19 and authorized by the NCCA Chairman.

1 The Board of Trustees shall establish an Executive
2 Committee of five (5) members, to include the Co-
3 Chairperson of the Board and the Director-General of the
4 Museum together with three (3) of their members to be
5 elected as such. The Board may establish such other
6 committees as it may deem proper.

7 The President of the Philippines shall be the Patron
8 and Honorary Chairperson of the Museum.

9 The Board is authorized to adopt an official seal
10 which shall be judicially noticed and to make such bylaws,
11 rules, and regulations, as it deems necessary for the
12 administration of its functions under this Act, including
13 the organization and procedure of the Board and any other
14 matter that falls within the ambit of its powers and
15 functions, pursuant to this Act and existing laws, rules and
16 regulations.

17 SEC. 17. *Head of Agency and Management of the*
18 *Museum.* – The Museum shall be headed by a Director-
19 General, who shall be the Head of Agency and have the
20 rank and emoluments of an Undersecretary. There shall

1 likewise be two (2) Deputy Directors-General of the
2 Museum: one (1) Deputy Director-General for Museums
3 and one (1) Deputy Director-General for Administration,
4 who shall respectively have the rank and emoluments of an
5 Assistant Secretary.

6 The central and regional museums and satellite
7 offices of the Museum shall be managed under the
8 Director-General and Deputy Directors-General by the
9 following seven (7) Directors, who shall have the rank and
10 emoluments of a Bureau Chief:

- 11 (a) Director of the National Museum of Fine Arts;
- 12 (b) Director of the National Museum of
13 Anthropology;
- 14 (c) Director of the National Museum of Natural
15 History and the National Planetarium;
- 16 (d) Director of the National Museum of Archaeology
17 and Maritime Heritage;
- 18 (e) Director of National Museums and Sites
19 (Northern Philippines), covering the six (6) present
20 administrative regions in Luzon of Region I, Region II, the

1 Cordillera Administrative Region, Region III, Region IV-A
2 and Region V;

3 (f) Director of National Museums and Sites (Central
4 Philippines), covering the five (5) present administrative
5 regions in MIMAROPA and the Visayas of Region IV-B,
6 Region VI, the Negros Island Region, Region VII, and
7 Region VIII; and

8 (g) Director of National Museums and Sites
9 (Southern Philippines), covering the six (6) present
10 administrative regions in Mindanao and the Sulu
11 Archipelago of Region IX, Region X, Region XI, Region XII,
12 Region XIII, and the Autonomous Region in Muslim
13 Mindanao.

14 Each Director enumerated above shall be respectively
15 assisted by an Assistant Director, who shall have the rank
16 and emoluments of an Assistant Bureau Chief. Changes in
17 their designations and any additional such third-level
18 positions as may be necessary to create for the appropriate
19 management of the said central and regional museums and
20 satellite offices provided for by this Act shall be endorsed

1 by the Board of Trustees for the approval of the
2 Department of Budget and Management.

3 All the aforementioned positions shall be occupied by
4 persons who are citizens of the Philippines, with a proven
5 track record of competent administration, superior
6 appropriate knowledge of museum or relevant institutional
7 operations or management, and a demonstrable personal
8 or professional commitment to the mission and aims of the
9 Museum.

10 SEC. 18. *Appointment and Term of the Head of Agency*
11 *and Agency Management.* – The Director-General, Deputy
12 Directors-General, Directors and Assistant Directors
13 provided for herein shall be appointed by the Board of
14 Trustees of the National Museum for a term of four (4)
15 years, and are eligible for reappointment to succeeding
16 terms of four (4) years, based on merit and performance.
17 Appointment to a position vacated due to death, disability,
18 resignation or any similar cause, shall be for the duration
19 of said unexpired term only.

1 Each shall be provided with appropriate support staff
2 of coterminous term with the incumbent, as endorsed by
3 the Board of Trustees for the approval of the Department
4 of Budget and Management.

5 The Board of Trustees may also appoint or designate
6 persons to the aforementioned positions in an acting
7 capacity in cases of vacancy, illness, absence or other
8 cause, and may change such appointment or designation
9 from time to time as the interests of the Museum may in
10 its judgment require.

11 The existing organizational structure and staffing
12 pattern of the National Museum shall be amended so as to
13 integrate appropriately the provisions of this Act. The
14 incumbent Director and two (2) Assistant Directors, if any,
15 shall be automatically upgraded to the posts of Director-
16 General and Deputy Directors-General as provided herein,
17 and shall be granted a term of one (1) year upon effectivity
18 of this Act before their performance is subject to review by
19 the Board of Trustees for purposes of reappointment, if
20 any, as provided herein.

1 SEC. 19. *Appropriation.* – The Museum shall continue
2 to submit and receive its annual budget from the general
3 appropriations of the National Government, covering the
4 entirety of its mandated operations and functions, as well
5 as all programs and projects approved by the Department
6 of Budget and Management.

7 SEC. 20. *Retention of Income and Disposition of*
8 *Donated Funds.* – The Museum is hereby authorized to
9 retain the entirety of its income from all sources of its
10 operations nationwide and overseas, and to expend the
11 same for any purpose in benefit of the Museum as may be
12 authorized by its Board of Trustees, in accordance with
13 this Act and other laws pertinent to the Museum and any
14 special provisions as may be provided for in the General
15 Appropriations Act for any given fiscal year. Such income
16 shall be placed in a dedicated Museum Income Fund, and
17 may accumulate for disbursement in future fiscal years if
18 not expended within the fiscal year in which the said
19 income was generated.

1 The Museum shall be authorized to accept
2 anonymous donations of money, in Philippine or foreign
3 currency, from its visitors, which shall be considered as
4 gratuities and part of the income of the Museum, and
5 which shall be credited to the said Museum Income Fund.
6 Such donations may be accepted through the placement of
7 donation boxes or by persons authorized for the purpose by
8 the Director-General of the Museum. The handling and
9 accounting of such donations shall be subject to rules and
10 regulations to be prescribed by the Museum in agreement
11 with the Commission on Audit within six (6) months of the
12 effectivity of this Act.

13 The Museum shall not charge admission fees to the
14 general public throughout its central and regional network,
15 with the exception of special activities, programs or
16 temporary exhibitions for which appropriate fees may be
17 charged upon approval by the Director-General. The
18 Museum shall be allowed to recommend to visitors a
19 schedule of donations, to be formulated and approved by its
20 Board of Trustees, the handling and accounting of the

1 proceeds of which shall fall within the said agreement
2 between the Museum and the Commission on Audit.

3 The existing Revolving Fund of the Museum is hereby
4 abolished, and its balance shall be transferred to the
5 Museum Income Fund as herein established.

6 Donations of moneys covered by legally executed
7 deeds of donation shall be placed in a dedicated Museum
8 Donations Fund, to be disbursed according to the terms
9 and purposes of the respective deeds or, in cases where no
10 specific purposes are stipulated, to be otherwise disbursed
11 for any purpose in benefit of the Museum as may be
12 authorized of the Board of Trustees.

13 As a general principle, and unless otherwise provided
14 for by law, the retained income of, and anonymous
15 donations and donations covered by deeds of donation that
16 do not have any specified purpose to, the Museum, shall be
17 applied to the purchase of capital assets for the benefit of
18 the Museum, including real properties and movable assets
19 such as equipment and collections items. In all cases, the
20 disbursement of such funds shall be subject to the

1 authorization of the Board of Trustees and consequent
2 approval by the Director-General of the Museum.

3 SEC. 21. *Museum Endowment Fund.* – The existing
4 Museum Endowment Fund shall continue to be utilized for
5 the purpose of implementing such special programs,
6 projects and activities of the Museum that the Board of
7 Trustees may approve in furtherance of its mandate and
8 which are not covered by the general appropriations of the
9 Museum that shall continue to fully provide for its regular
10 operating budget.

11 The Museum Endowment Fund shall be directly
12 administered by the Board of Trustees, which shall be
13 allowed to appoint professional fund managers for the
14 purpose of appropriately managing and investing the Fund
15 on its behalf. Rules governing such administration,
16 management and investment shall be similar to those
17 pertaining to relevant government financial institutions,
18 and shall be agreed between the Museum, the Department
19 of Finance, and other concerned government agencies.

1 The initial principal of the Endowment Fund shall
2 amount to Five hundred million pesos (P500,000,000.00),
3 to be derived from the amount of Two hundred and fifty
4 million pesos (P250,000,000.00) from the Philippine
5 Charity Sweepstakes Office and the amount of Two
6 hundred and fifty million pesos (P250,000,000.00) from the
7 Philippine Amusement and Gaming Corporation. Taking
8 into account past remittances, only the outstanding
9 balances from either agency is hereby appropriated, to be
10 payable in quarterly remittances with a period of three (3)
11 years from the effectivity of this Act until the prescribed
12 total amount has been reached.

13 Donations made to the Endowment Fund of the
14 Museum shall be explicitly made and executed for the
15 purpose, and once credited to it shall be considered as part
16 of its principal. Such donations and bequests will be
17 exempt from any and all taxes.

18 Only the interest of the Endowment Fund may be
19 expended by the Board of Trustees, which shall authorize,
20 as appropriate, the transfer of necessary amounts to a

1 corresponding special projects account to be disbursed
2 through the Head of Agency.

3 SEC. 22. *Exemption from Taxes.* – The Museum shall
4 be exempt from paying import taxes and tariff duties on all
5 items that are to be directly used in its operations,
6 including but not limited to books and other printed or
7 digital publications, films and other similar media, art
8 materials, chemicals for preservation and restoration,
9 exhibit and technical supplies and equipment, and any
10 item acquired or in the process of being acquired for its
11 collections.

12 Donations and legacies to the Museum in the form of
13 money or in kind, other than collections items as provided
14 for in Section 21, shall be exempt from donor's, estate and
15 inheritance taxes.

16 For donations in kind, excepting collections items, the
17 Board of Trustees shall recommend to tax authorities the
18 appropriate amount of exemption for donations of objects
19 or donations in kind: *Provided*, That the Board shall refer

1 to qualified external evaluators to determine the proper
2 valuation of the donation.

3 SEC. 23. *Tax Incentives for Donations of Items to the*
4 *Museum Collections.* – All donations of such items as the
5 Museum might seek to acquire for its collections shall
6 qualify for deductions against income and/or inheritance
7 taxes based on their estimated market value in Philippine
8 pesos as certified by a resolution of the Board of Trustees,
9 which shall formulate the said estimate upon the advice of
10 the Museum and external experts, if appropriate, should
11 no market or appraised value, in Philippine or foreign
12 currency, within the last two (2) years be available for the
13 item in question.

14 The extent of the deductions shall be as follows:

15 (a) One hundred and fifty percent (150%) of the
16 estimated market value in Philippine pesos for any work of
17 national significance which the Board of Trustees will
18 approve for acceptance by the Museum;

19 (b) Two hundred percent (200%) of the estimated
20 market value in Philippine pesos for any work of important

1 and outstanding national significance, that of the level of
2 Important Cultural Property, which the Board of Trustees
3 will approve for acceptance by the Museum, and which the
4 Director-General will endorse for declaration by the
5 pertinent authority as such, if not already so declared,
6 immediately after its donation; and

7 (c) Three hundred percent (300%) of the estimated
8 market value in Philippine pesos for any work of the most
9 exceptional and extraordinary national significance, that of
10 the level of National Cultural Treasure, which the Board of
11 Trustees will approve for acceptance by the Museum, and
12 which the Director-General will endorse for declaration by
13 the pertinent authority as such, if not already so declared,
14 immediately after its donation.

15 Deductions against taxable inheritance applied for
16 under this Act that may exceed the total amount owed may
17 be deductible from the taxable income of the legal heirs
18 within the current year or otherwise spread over a
19 maximum of five (5) consecutive years including the
20 current year.

1 Deductions against taxable income applied for under
2 this Act may be made in full for within the current year or
3 otherwise spread over a maximum of five (5) consecutive
4 years including the current year.

5 SEC. 24. *Procurement of Items for the Museum*
6 *Collections.* – The procurement of items by the Museum for
7 its collections, charged to any of its sources of funds as may
8 be allowed, and authorized by the Head of Agency and/or
9 the Board of Trustees as herein provided, shall be regarded
10 as a unique and special case, and is thereby exempted from
11 all laws, rules and regulations regarding government
12 procurement.

13 The Museum, as a general rule, shall be allowed to
14 procure collections items by means of direct negotiation
15 with the owners of such items, or their duly designated
16 agents or representatives, in the Philippines and abroad,
17 as follows:

18 (a) A written and signed quotation for the sale of the
19 item(s), shall be issued and addressed to the Museum by
20 the owner, or his or her agent or representative;

1 (b) A certification that the item to be acquired is of
2 appropriate significance to the Museum and of importance
3 to the heritage and patrimony of the Filipino people, that
4 the negotiated price is reasonable and fair, that no conflicts
5 of interest as may be defined by prevailing laws, rules and
6 regulations exist, and that the item in question has not
7 been illegally acquired or trafficked, shall be issued by the
8 Head of Agency;

9 (c) For items above One million pesos
10 (P1,000,000.00) or its foreign currency equivalent in price,
11 the Head of Agency shall recommend in writing to the
12 Board of Trustees the issuance of a resolution for the
13 approval in principle of the transaction; items under this
14 amount may be procured upon the sole authority of the
15 Head of Agency: *Provided*, That there is no "splitting" as
16 defined in pertinent procurement laws, rules and
17 regulations;

18 (d) A resolution of the Board of Trustees approving
19 in principal the purchase of the concerned item by the
20 Museum and authorizing the signing by Head of Agency of

1 a Deed of Sale as well as all other documents to the
2 transaction shall be issued for items above One million
3 pesos (P1,000,000.00) or its foreign currency equivalent in
4 price;

5 (e) A resolution of the Bids and Awards Committee
6 of the Museum verifying that the aforementioned
7 documents, where applicable, have been produced,
8 certifying as to the availability of funds, and authorizing
9 the issuance of a Notice of Award pertaining to the
10 purchase of the item(s) for the signature of the Head of
11 Agency, shall be issued;

12 (f) After the Notice of Award has been issued, the
13 execution of the Deed of Sale by the Head of Agency shall
14 be made, after which the Bids and Awards Committee of
15 the Museum shall issue the Notice to Proceed which, once
16 signed by the Head of Agency, shall authorize the
17 processing of payment in Philippine or foreign currency to
18 the seller; receipt of payment in Philippine or foreign
19 currency shall be acknowledged by an official receipt or, in

1 cases where the issuance of an official receipt is not
2 possible, any legal equivalent;

3 (g) Payment for collections items made under this
4 provision shall be made by the National Museum gross of
5 any deductions for tax. It shall be the sole responsibility of
6 the owner, or his/her agent or representative, to pay all
7 direct and indirect taxes owed to Philippine and pertinent
8 foreign authorities from the sale of the item as may be due
9 under existing, laws, rules and regulations of the
10 Philippines and any pertinent foreign jurisdiction; and

11 (h) Certified true copies of all the aforementioned
12 documents shall be posted within the designated public
13 place of the Museum and on its official website for at least
14 six (6) months, as well as transmitted to the Commission
15 on Audit through the resident auditor of the Museum, the
16 Department of Budget and Management, the Government
17 Procurement Policy Board, the Bureau of Internal Revenue
18 and, if the item has been acquired from abroad and is
19 being imported into the Philippines, the Bureau of
20 Customs.

1 SEC. 25. *Procurement Through Public Auction.* – The
2 Museum shall be authorized to procure collections items
3 through bidding at public auction, including online public
4 auction, in such special cases as the Board of Trustees
5 shall in each instance approve by means of a resolution.
6 For each item, the Board of Trustees shall predetermine an
7 appropriate price ceiling based on its judgment of the fair
8 market valuation of the same, exclusive of commissions,
9 fees, charges, taxes and other associated expenses.

10 The interest of the Museum in a certain item shall be
11 made known to the management of the public auction,
12 which shall duly disclose or otherwise announce it to all
13 parties registered to observe or participate in the said
14 auction.

15 If authorized by the Board of Trustees, the Museum
16 may either participate and bid for an item in its own right,
17 or opt, within a period of seven (7) days, to match the
18 highest bid made for the item by invoking, by means of a
19 written notice addressed to the management of the public

1 auction, a right of first refusal that is hereby established
2 by virtue of this Act.

3 The invoice issued to the Museum by the
4 management of the public auction, which shall include the
5 relevant commissions, fees, charges, taxes and other
6 associated expenses in addition to the bid price for the
7 item, together with the pertinent resolution of the Board of
8 Trustees and a certification issued by the head of agency
9 similar in purpose to that outlined in Section 24 (b) of this
10 Act, followed by the procedure likewise given in Section 24
11 (e), (f), (g) and (h) shall be considered sufficient for the
12 procurement of an item under this section.

13 *SEC. 26. Movable Cultural Properties and Collections*
14 *of the National Government.* – All movable cultural
15 properties of national significance, including natural
16 history specimens, owned by all agencies and
17 instrumentalities of the National Government, including
18 Government-Owned and- Controlled Corporations, that fall
19 within the coverage of the Museum as provided for in this
20 Act, particularly works of fine and applied art,

1 archaeological and historical artifacts, relics of built
2 heritage, and ethnographic materials, shall be registered
3 with the Museum and form part of a general inventory and
4 catalogue of national government collections in these areas
5 that will be produced and published by it within three (3)
6 years of the effectivity of this Act, and updated annually
7 thereafter to incorporate any changes as reported by the
8 agencies concerned to the Museum. Such national
9 government collections shall be considered as being held in
10 trust for the Filipino people and shall not be alienated or
11 otherwise disposed of without the approval of the Museum,
12 in accordance its policies on de-accessioning as provided for
13 in this Act.

14 The Museum shall have the authority to request the
15 transfer or loan of any such national government
16 collections, or any item pertaining thereto, for purposes of
17 protection, preservation, study or public exhibition, and
18 such requests shall be given the very highest consideration
19 by the head of the agency, instrumentality, or government-
20 owned or- controlled corporation concerned. Likewise, all

1 such entities of the National Government are enjoined to
2 offer for transfer or loan to the Museum such items of
3 movable cultural property as they may possess, in support
4 of the aforementioned purposes and the mandate of the
5 Museum.

6 SEC. 27. *Commercial Operations of the Museum.* –

7 The National Museum shall be authorized to undertake
8 commercial operations, the proceeds of which shall be
9 credited to the Museum Income Fund as established
10 herein, and which shall include, but not be limited to, the
11 following:

12 (a) The rental of dedicated areas for external events,
13 functions and similar activities, the terms and conditions
14 for which shall be prescribed by the Museum according to a
15 schedule of fees approved by the Board of Trustees;

16 (b) The lease of dedicated areas for the erection and
17 operation of commercial establishments, which the
18 Museum shall be allowed to award, through public bidding,
19 and giving preference to non-profit organizations of a

1 nature related to or supportive of its mandate, for a term of
2 up to five (5) years per contract;

3 (c) The lease of dedicated areas for the erection and
4 operation of vehicular parking, which the Museum shall be
5 allowed to award, through public bidding, to qualified
6 firms, for a term of up to five (5) years per contract; and

7 (d) The production and/or licensing of official
8 merchandise, including publications and audio-visual
9 media, which the Museum shall be allowed to award,
10 through public bidding, and giving preference to non-profit
11 organizations of a nature related to or supportive of its
12 mandate, for a term of up to five (5) years per contract.

13 The Museum shall be authorized to outsource,
14 through public bidding, all general, non-museological,
15 property management, including security and maintenance
16 operations, pertaining to its real properties, particularly its
17 Museum Complex, for a term of up to five (5) years per
18 contract, the funds for which shall be provided by general
19 appropriations in each year.

1 SEC. 28. *Personnel Training, Development and*
2 *Performance Incentives.* – The Museum shall undertake
3 training and development programs to upgrade the
4 capabilities of its personnel in the various functions of the
5 Museum. Personnel shall be allowed to train or study, in
6 the Philippines or abroad, on official time, subject to the
7 needs of the service, upon approval of the Director-General
8 of the Museum.

9 Museum personnel belonging to the Scientific Career
10 System shall be allowed one (1) year of paid sabbatical
11 leave for every five (5) years of at least very satisfactory
12 service in the Museum: *Provided*, That the said sabbatical
13 leave shall contribute appropriately towards the scientific
14 research agenda of the Museum and be embodied in a
15 legally-binding instrument to that effect to be approved by
16 the Director-General of the Museum.

17 A system of monetary incentives in addition to
18 general incentives for government employees shall be
19 established in the Museum to reward superior performance
20 and milestones of professional development on the part of

1 management and administrative and technical personnel
2 of the Museum, to be formulated together with appropriate
3 procedures by the Board of Trustees and approved by the
4 Department of Budget and Management and the Civil
5 Service Commission.

6 Such monetary incentives may be funded from any
7 available and allowable sources, including the General
8 Fund, Museum Income Fund, Museum Donations Fund
9 and Museum Endowment Fund. The granting of all
10 monetary incentives established by virtue of this section
11 shall be approved of the Board of Trustees.

12 *SEC. 29. De-Accessioning Policy.* – The Museum may
13 provide for a de-accessioning policy with regard to its
14 collections, except in those cases where it is restricted by
15 terms of donations or by prevailing laws. The de-
16 accessioning of any item shall require the approval of the
17 Board of Trustees in each and every case.

18 *SEC. 30. Reorganization of the Museum.* – Except
19 where the provisions of Sections 17 and 18 of this Act shall
20 apply, the Board of Trustees shall be allowed whenever

1 there is, it is judgment, a need for such, to propose a
2 reorganization of the Museum, or changes to its
3 organizational structure or staffing pattern, to be endorsed
4 for the approval of the Department of Budget and
5 Management.

6 SEC. 31. *Transfer of Regulatory Functions.* – All
7 regulatory functions of the Museum, as provided for by
8 Republic Act No. 4846, Presidential Decree No. 374,
9 Republic Act No. 8492, Republic Act No. 9105, Republic Act
10 No. 10066, and all other laws and issuances, are hereby
11 transferred to the NCCA, together with concerned
12 organizational units and regular plantilla items in the
13 central office of the Museum.

14 This section notwithstanding, the Museum is
15 enjoined to provide all technical and expert assistance
16 within its mandated competencies as the NCCA may
17 require in the execution of the said regulatory functions.

18 It shall be a matter of policy that the Museum not be
19 mandated to engage in any regulatory function, except that
20 which is prescribed in Section 26 of this Act pertaining to

1 national government collections, but shall rather focus
2 exclusively on developing itself as the premier museum
3 institution and repository of the State in the areas
4 provided herein and by other laws.

5 SEC. 32. *Repealing Clause.* – Republic Act No. 8492 is
6 hereby repealed *in toto*; Republic Act No. 4846,
7 Presidential Decree No. 374, Republic Act No. 9105,
8 Republic Act No. 10066 and all other laws and issuances to
9 the extent that they are inconsistent with this Act, are
10 hereby repealed or amended accordingly.

11 SEC. 33. *Separability Clause.* – If, for any reason, any
12 part or provision of this Act is declared invalid or
13 unconstitutional, the parts or provisions not affected
14 thereby shall remain in full force and effect.

15 SEC. 34. *Effectivity Clause.* – This Act shall take
16 effect fifteen (15) days following its publication in the
17 *Official Gazette* or in two (2) newspapers of general
18 circulation, whichever comes first.

Approved,