


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



'22 AUG -4 A9 :44

SENATE
S. No. 1033

RECEIVED BY: 

Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
CREATING THE NATIONAL FILM ARCHIVE OF THE PHILIPPINES AND
APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

In 2019, the country celebrated the 100th anniversary of Philippine cinema. The centennial year was declared to honor and commemorate the release of the very first Filipino produced and directed feature film, Jose Nepomuceno's "Dalagang Bukid" in September 12, 1919. Unfortunately, the movie is now considered a lost film, with no surviving print or copy, and that the present generation can neither watch nor access this important work anywhere.

Such is the case for many Filipino films, especially those belonging to the Golden Ages of Cinema. Many films, that are snapshots of the nation's history and social realities, were unable to survive the test of time, and were left to decay and degrade over the years. Also, notable works of our renowned film makers, including our National Artists for Film, were also neglected and not properly taken care of.

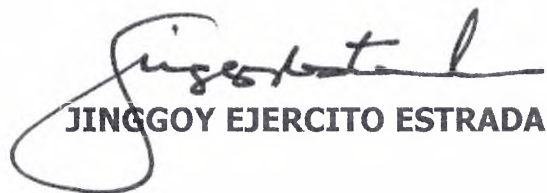
According to the Film Development Council of the Philippines (FDCP), "about 65 percent" of our vast cinematic heritage "have been lost or destroyed, and whatever is left that's unpreserved is exposed to damage and deterioration each

day¹.” It is also estimated that out of more than 8,000 movies shot on film, only around 2,000 have surviving copies².

This bill seeks to remedy this problem through the creation of the National Film Archive of the Philippines (NFAP) which shall ensure that Filipino films, that are part of our historical and cultural heritage, will be protected and preserved.

While Republic Act No. 9167 already directs the FDCP to establish a film archive, it functions as a division of the FDCP and performs its mandate with very limited personnel and resources. Two decades since the enactment of RA 9167, a permanent facility for film preservation with enough storage space and proper equipment is yet to be realized. Hence, there is a need for its institutionalization so that more government support can be allocated to its cause, and a more definitive national policy on safeguarding our cultural treasures be put in place.

In this light, the immediate passage of this bill is earnestly sought.



JINGGOY EJERCITO ESTRADA

¹ <https://www.fdcph.com/updates/preserving-past-shaping-future>

² <https://www.bworldonline.com/arts-and-leisure/2022/02/01/426945/how-abs-cbn-continues-to-save-phl-film-heritage/>

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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 the "*National Film Archive*
2 *Act.*"
- 3 Sec. 2. *Declaration of Policy.* – It is the policy of the State to conserve,
4 promote, and popularize the nation’s historical and cultural heritage and resources,
5 as well as artistic creations.
- 6 The State shall pursue, conserve and promote the Filipino cultural heritage
7 and resources, including the cinematographic and audiovisual works made and
8 produced by Filipinos that are of historical importance and cultural merit. The State
9 shall give priority for the safeguard, protection and preservation of Filipino films as
10 essential tools for the preservation of the country’s history, cultural memory and
11 national identity.
- 12 Sec. 3. *Creation of the National Film Archive of the Philippines (NFAP).* –
13 There is hereby created a National Film Archive of the Philippines (NFAP) which shall
14 be the principal government body tasked to acquire, conserve and protect film
15 negatives and/or prints of the nation’s historical, cultural, and artistic heritage. It
16 shall also be in charge of the safekeeping, maintenance and restoration of all Filipino
17 films and other audiovisuals produced in the Philippines.

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

- 3 a) Plan, formulate and implement an archival administration program for the
4 efficient recovery, restoration, conservation, preservation, maintenance,
5 utilization and disposal of cinematographic films, including the adoption of
6 security measures and film protection program;
- 7 b) Review and approve films nominated for inclusion in the National Film
8 Archive;
- 9 c) Conduct archival researches using materials here and abroad, including
10 background studies about films considered for inclusion in the National
11 Film Archive;
- 12 d) Acquire through transfer, donation, purchase or any other means film
13 prints and digital masters of films which have enduring archival value;
- 14 e) Ensure the preservation and conservation of existing and future archival
15 resources of the government;
- 16 f) Reproduce and authenticate copies of cinematic films, subject to copyright
17 laws;
- 18 g) Facilitate the acquisition of a permanent and suitable building to house the
19 country's film archival holdings;
- 20 h) Build the necessary facilities and laboratories and acquire state-of-the-art
21 equipment for the proper safekeeping and restoration of films in its
22 custody;
- 23 i) Promote appreciation of and build cultural values from the cinematic film
24 in the National Film Archive;
- 25 j) Provide for access for scholarly and research process, subject to
26 reasonable guidelines;
- 27 k) Make Filipino films readily available for educational, historical, and cultural
28 purposes to all segments of Philippine society, as well as the international
29 community;
- 30 l) Establish a media library and/or film theater wherein students, researchers
31 and the general public can view and access Filipino films, subject to
32 guidelines;

- 1 m) Give technical assistance to all government offices, instrumentalities, and
2 agencies, national or local in the planning, implementation and evaluation
3 of their film archives administration program;
- 4 n) Provide recommendations and assistance to higher educational institutions
5 on the creation and administration of academic courses and trainings in
6 relation to film preservation and restoration;
- 7 o) Establish linkages with the private sector, domestic and abroad, in order to
8 advance and upgrade capacities in film preservation and restoration, and
9 to locate and acquire lost negatives and records of Filipino films; and
- 10 p) Conduct training programs on film archives management, including the
11 establishment of an archival system for both public and private sectors.

12 Sec. 5. *Executive Director.* – The NFAP shall be headed by an Executive
13 Director with a rank equivalent to a bureau director and who shall be assisted by two
14 deputy executive directors.

15 The President of the Philippine shall appoint the executive director and the
16 two deputy executive directors from a list of nominees submitted by the Film
17 Development Council of the Philippines (FDCP); *Provided*, That said officials to be
18 appointed to the NFAP shall be knowledgeable of the artistic, historical, cultural
19 and/or technical aspects of film evaluation, restoration and/or archiving along world-
20 class standards.

21 The executive director and deputy executive directors shall serve for a term of
22 two (2) years and shall be eligible for reappointment for a second term: *Provided*,
23 That no director shall serve for more than two (2) consecutive terms: *Provided*
24 *further*, if any director fails to complete a term, the person appointed to fill the
25 vacancy shall serve for the unexpired portion of the term of the director whom
26 he/she succeeds, unless re-appointed: *Provided finally*, That such service of the
27 unexpired portion shall not be counted as a term.

28 Sec. 6. *Staffing Pattern.* – The NFAP shall establish its own staffing pattern,
29 and salary and compensation scheme, within six (6) months from the effectivity of
30 this Act, subject to the rules and regulations of the Department of Budget and
31 Management (DBM) and the Civil Service Commission (CSC).

1 Sec. 7. *Submission of films.* – Film companies or individual producers of
2 Filipino films that are commercially exhibited within the Philippines, or directed by a
3 Filipino director, are hereby required to submit, at reasonable cost, a copy of their
4 film to the NFAP within three (3) months from its official release for the singular
5 purpose of preserving a copy of such for the archive.

6 Sec. 8. *Implementing Rules and Regulations.* – The Film Development Council
7 of the Philippines shall, in consultation with the National Historical Commission of the
8 Philippines (NHCP), National Commission for Culture and the Arts (NCCA) and the
9 National Archives of the Philippines (NAP), issue the necessary rules and regulations
10 for the effective implementation of the provisions of this Act.

11 Sec. 9. *Appropriations.* - The amount necessary to carry out the provisions of
12 this Act shall be charged against the agencies' current budget and shall thereafter be
13 included in the annual General Appropriations Act.

14 Sec. 10. *Separability Clause.* – If any section or part of this Act is held
15 unconstitutional or invalid, the other sections or provisions not otherwise affected
16 shall remain in full force and effect.

17 Sec. 11. *Repealing Clause.* - All laws, decrees, executive orders, rules and
18 regulations, issuances or any part thereof inconsistent with the provisions of this Act,
19 are deemed repealed and modified accordingly.

20 Sec. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its
21 publication in at least two (2) national newspapers of general circulation, whichever
22 comes earlier.

Approved,