NINETEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES Second Regular Session



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Introduced by Senator Maria Lourdes Nancy S. Binay

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SENATE S.B. No. ___2384

AN ACT STRENGTHENING THE RULES ON THE CREATION, MODIFICATION, CHANGE AND REGISTRATION OF OFFICIAL SEALS AND OTHER HERALDIC ITEMS AND DEVICES OF GOVERNMENT ENTITIES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8491 OTHERWISE KNOWN AS THE "FLAG AND HERALDIC CODE OF THE PHILIPPINES"

EXPLANATORY NOTE

Official seals and logos of government offices embody our national ideals, sentiments and aspirations. They are a means of strengthening people's nationalism, love of country, and pride for people's accomplishments. In a practical sense, official seals and logos are an important means of identifying a particular government agency and of recognizing the duties they perform.

Recent developments show that certain government agencies made changes to or redesigned their logos and branding campaigns - from the new "Love the Philippines" tourism campaign rebranding to the controversial new logo of the Philippine Amusement and Gaming Corporation. Thus, it is only fitting that the standards for the creation and changing of official seals and logos be strengthened and strictly enforced.

This bill aims to strengthen the rules on the creation, modification and registration of official seals and other heraldic items and devices of government entities to ensure that official seals and logos convey national ideals and traditions that express the principles of sovereignty and national solidarity.

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

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MARIA LOURDES NANCY S. BINAY

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AN ACT STRENGTHENING THE RULES ON THE CREATION, MODIFICATION, CHANGE AND REGISTRATION OF OFFICIAL SEALS AND OTHER HERALDIC ITEMS AND DEVICES OF GOVERNMENT ENTITIES, AMENDING FOR THE PURPOSE REPUBLIC ACT 8491 OTHERWISE KNOWN AS THE "FLAG AND **HERALDIC CODE OF THE PHILIPPINES"**

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

SECTION 1.Section 3 of Republic Act No. 8491 is hereby amended to include 1 2 the definition of the followingterms: 3 "Section 3. Definition of Terms - Whenever used in this Act, the term: 4 5 6 XXX 7 INFOMERCIAL" MEAN **"ADVERTISEMENT** OR SHALL 8 ADVERTISEMENT OR ANY INFORMATION MATERIAL IN PRINT, 9 RADIO, TELEVISION, CINEMA, VIDEO AND THE LIKE, OUTDOOR 10 AND ELECTRONIC MEDIA, SEEKING TO PROMOTE INDIVIDUALS, 11 ENTITIES, PRODUCTS OR SERVICES FOR COMMERCIAL, POLITICAL 12 **PURPOSES OR INFORMATION CAMPAIGNS;** 13 14 "GOVERNMENT ENTITIES" SHALL MEAN ALL BRANCHES OF THE 15 BUREAUS AND ATTACHED AGENCIES, GOVERNMENT, ITS 16 LOCAL GOVERNMENT UNITS, CONSTITUTIONAL OFFICES, 17 GOVERNMENT **OWNED** AND CONTROLLED CORPORATIONS, 18 **GOVERNMENT FINANCIAL INSTITUTIONS, STATE UNIVERSITIES** 19

AND COLLEGES, ARMED FORCES OF THE PHILIPPINES, INCLUDING 1 2 **ITS BASIC COMPONENT UNITS;** 3 4 "HERALDIC ITEMS AND DEVICES" SHALL MEAN COAT-OF-ARMS, SEALS, LOGOS, INSIGNIA, BADGES, FLASHES, PATCHES, ORDERS 5 AND DECORATIONS, MEDALS, STARS, CITATIONS, LAPEL PINS, 6 TROPHIES, DRY, WAX OR WET SEALS, AND IMPRINTS ON 7 LETTERHEADS, ENVELOPES AND CARDS; AND 8 9 "VEXILLARY ITEMS" SHALL MEAN NATIONAL, LOCAL, HOUSE FLAGS, 10 OR ADMINISTRATIVE, INSTITUTION, CORPORATE, UNIT AND 11 **OTHER ORGANIZATION BANNERS.** 12 13 SEC. 2. Section 44of Republic Act No. 8491 is hereby amended to read as 14 follows: 15 16 "SECTION 44. Anygovernment entity, including the military, may adopt 17 appropriate coat-of-arms, administrative seals, logo, insignia, badges, 18 patches, banners and initiate awards, citations, orders or decorations, as may 19 be authorized by the Congress or the Office of the President [.], **SUBJECT** 20 TO THE APPROVAL AND RECOMMENDATION OF THE NATIONAL 21 HISTORICAL COMMISSION OF THE PHILIPPINES (NHCP)." 22 23 SEC. 3. Section 45 of Republic Act No. 8491 is hereby amended to read as 24 25 follows: 26 "SECTION 45.Such heraldic devices and items shall be filed with the 27 [Institute]**NHCP** for recording and evaluation as to precedence, design, 28 customs and traditions. The [Institute]NHCP shall promulgate the 29 corresponding rules and regulations which shall be submitted for approval to 30 the Office of the President or to Congress." 31 32 SEC.4.A new Section 45-B is hereby inserted to read as follows: 33 34 "SECTION 45-B. THE APPLICATION FOR APPROVAL OF DESIGN AND 35 SPECIFICATION OF THE PROPOSED HERALDIC ITEMS AND DEVICES 36 SHALL BE SUPPORTED WITH THE FOLLOWING DOCUMENTS: 37 38 A. ORDERS, OR ANY FORMS OF GRANTS, LAWS OF AUTHORITY OR 39 **CREATIONS;** 40

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SYMBOLISM, AND B. BRIEF HISTORICAL BACKGROUND, 1 SIGNIFICANCE OF EVERY DESIGN COMPONENT; AND 2 3 C. PHOTOGRAPHS OF EXISTING STRUCTURES, OBJECTS, SPOTS, 4 ETC. TO BE INCORPORATED IN THE DESIGN." 5 6 THE NHCP SHALL RECOMMEND SUCH HERALDIC DESIGN TOGETHER 7 WITH THE NEEDED DOCUMENTS TO THE OFFICE OF THE PRESIDENT 8 **OR CONGRESS FOR FINAL APPROVAL.** 9 10 THE APPROVED DESIGN SHALL BE RETURNED TO THE NHCP FOR 11 PROPER RECORDING IN THE NATIONAL REGISTRY OF HERALDIC 12 ITEMS AND DEVICES AND FOR TRANSMITTAL TO THE REQUESTING 13 **GOVERNMENT ENTITY.** 14 15 SEC.5. A new Section 45-C is hereby inserted to read as follows: 16 17 "SECTION 45-C. TO CONFORM TO THE BASIC HERALDIC 18 TRADITIONS, THE FOLLOWING SHALL BE OBSERVED IN THE 19 DESIGN, CREATION, MODIFICATION, REVISION AND APPROVAL OF 20 HERALDIC ITEMS AND DEVICES: 21 22 A. IT MAY FEATURE EITHER ABSTRACT OR NATURAL EMBLEMS 23 OR VISUALS, REPRESENTING SIGNIFICANT ASPECTS, OR 24 EVENTS REPRESENTATIVE OR RELATED TO ITS HISTORY, 25 MANDATES, DUTIES, FUNCTIONS AND VISIONS; 26 27 **B. COMPONENTS OF HERALDIC DESIGNS MUST FEATURE** 28 HISTORY, CULTURE, VALUES, INDIGENOUS FILIPINO 29 TRADITIONS AND SENSE OF NATIONALISM; 30 31 C. EVERY COMPONENT MUST BE RECOGNIZABLE AS IF IT IS 32 **RENDERED OR REDUCED TO ITS NORMAL REQUIRED SIZES;** 33 34 D. NO PERSONAL HERALDIC DEVICES SHALL BE ALLOWED 35 EXCEPT THE SEAL OF THE PRESIDENT AND THE VICE 36 **PRESIDENT;** 37 38 INITIALS, LOGOS, **PICTURES**, E. SYMBOLS, NAMES, 39 SILHOUETTES OR IMAGES OF LIVING PERSONS SHALL NOT BE 40 FEATURED IN THE DESIGN; 41

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F. THE NAME OF THE GOVERNMENT ENTITY OR TITLE OF 1 2 HERALDIC ITEMS AND DEVICES MUST BE IN PROMINENT 3 **POSITIONS:** 4 G. ALL HERALDIC ITEMS AND DEVICES, INCLUDING RIBBONS 5 OR SASHES, MUST BE UNIQUE FROM EACH OTHER; 6 7 H. THE NATIONAL COAT-OF-ARMS, WHICH MAY OR MAY NOT 8 INCLUDE THE SCROLL, WHEN USED AS THE MAIN PART OR AS 9 A COMPONENT OF THE SEAL, MUST OCCUPY THE PLACE OF 10 HONOR. IT SHALL BE USED ONLY BY THE MAJOR BRANCHES 11 **OF THE GOVERNMENT;** 12 13 I. IN USING THE NATIONAL COAT-OF-ARMS OR THE GREAT SEAL 14 FOR NUMISMATIC PURPOSES, WET OR DRY SEALS AND 15 PAINTED OR PRINTED IN MONOCHROME, TINCTURE 16 **REPRESENTATIONS SHALL BE USED;** 17 18 J. THE USE OF THE NATIONAL FLAG IS PROHIBITED EXCEPT 19 WHERE THE FLAG HAS BECOME PART OF ITS HISTORY; 20 K. THE MOTTO, TITLE OR PHRASE TO BE INCORPORATED IN THE 21 HERALDIC ITEMS AND DEVICES MAY BE IN THE NATIONAL 22 LANGUAGE OR IN ANY LOCAL DIALECT; AND 23 24 L. THESE HERALDIC ITEMS AND DEVICES SHALL NOT BE 25 **REVISED OR CHANGED MORE THAN ONCE EVERY TEN (10)** 26 YEARS. 27 28 SEC. 6. Section 46 of Republic Act No. 8491 is hereby amended to read as 29 follows: 30 31 "Section 46. All government [offices] ENTITIES, including the military, are 32 hereby ordered to purchase all [h]Heraldic [i]Items and [d]Devices from 33 manufacturers accredited and authorized by the [Institute] NHCP. 34 35 ENGRAVERS OR MANUFACTURERS SHALL APPLY FOR ANNUAL 36 **ACCREDITATION AT THE NHCP.** 37 38 39 Such items and devices shall be subject to inspection by the purchasing agency's internal inspector and the COA representative using the design and 40 specifications approved by the Office of the President or by the Congress, 41 through the [Institute] **NHCP**. 42

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ANY VIOLATION OF REPUBLIC ACT NO. 8491 OR ITS **IMPLEMENTING RULES AND REGULATIONS SHALL BE A GROUND** FOR SUSPENSION, REVOCATION OR **NON-RENEWAL** OF **ACCREDITATION.**

SEC. 7. A new Section 46-A is hereby inserted to read as follows:

"SECTION 46-A. HERALDIC AND VEXILLARY DESIGNS OR ITEMS, SHALL NOT BE USED OR EMPLOYED FOR NUMISMATIC, PHILATELIC, ADVERTISEMENT OR INFOMERCIAL, OR ANY INFORMATIVE PURPOSES UNLESS DULY APPROVED IN WRITING BY THE NHCP."

13 SEC. 8.Section 50 of Republic Act No. 8491 is hereby amended to read as 14 follows:

"Section 50. Any person WHO or juridical entity which violates any of the 16 provisions of this Act shall, upon conviction, be punished by a fine of not less 17 than Five thousand pesos (PHP 5,000.00) nor more than Twenty Thousand 18 Pesos (PHP 20,000.00) or by imprisonment [for] OF not more than one (1) 19 year, or both such fine and imprisonment, at the discretion of the court: 20 Provided, That for any second and additional offenses, both fine and 21 imprisonment shall always be imposed: Provided, further That in case the 22 violation is committed by a juridical person, its President or Chief Executive 23 Officer thereof shall be liable. 24

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- THE NHCP MAY PRESCRIBE IN THE IMPLEMENTING RULES AND REGULATIONS OTHER ACTS OR OMISSIONS WHICH SHALL BE DEEMED DISRESPECTFUL, AND THUS PROHIBITED, RELATIVE TO OFFICIAL SEALS AND OTHER HERALDIC ITEMS AND DEVICES.
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SEC. 9. *Implementing Rules and Regulations*. – The NHCP shall issue the necessary rules and regulations implementing the provisions of this Act within sixty (60) days from its effectivity. The NHCP shall submit its rules and regulations to the Office of the President and the Congress of the Philippines.

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36 SEC. 10. *Separability Clause.-* Any portion or provision of this Act that maybe 37 declared unconstitutional or invalid shall not have the effect of nullifying the other 38 portions or provisions hereof as long as such remaining portion or provision can still 39 subsist and be given effect.

SEC. 11. *Repealing Clause.* – All laws,decrees, executive orders, rules and regulations, other issuances,part or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

4 SEC. 12. *Effectivity Clause*. - This Act shall take effect fifteen (15) days after 5 its complete publication in the Official Gazette or in a newspaper of general 6 circulation.

Approved,

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