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REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



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SENATE

S. No. 2686

RECEIVED BY

Introduced by Senator Loren Legarda

**AN ACT
TO FURTHER STRENGTHEN THE GOVERNMENT SYSTEM OF RECORDS
MANAGEMENT AND ARCHIVES ADMINISTRATION,
ESTABLISHING FOR THE PURPOSE THE NATIONAL ARCHIVES AND
RECORDS MANAGEMENT AUTHORITY, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The value of recorded history cannot be gainsaid: through letters, diaries, notes, and other papers, we are transported into the time and presence of our predecessors. What we learn from them through these records is relevant not only to us as individuals, but to our social institutions and people.

It should thus follow that preserving, studying, and promoting the knowledge of these records are of great importance worthy of the attention and resources of our government. In 2007, Congress acknowledged this fact by enacting *Republic Act No. 9470*, creating the National Archives of the Philippines (NAP) in order to strengthen the government's system of records management and archive administration.

Regrettably, in the years since the law has been enacted, it has become apparent that there are several areas of implementation that fail to reach its goals. For one, government agencies have treated the NAP as subordinate with respect to records management, failing or outright refusing to comply with the guidelines for records management set by the NAP and often treating it merely as a dumping ground for

unwanted files. For another, there are issues in jurisdiction among the NAP and the other historical and cultural agencies that have not been clarified in any law or charter that are the cause of continuing disagreement. Finally, attempts by the NAP to innovate or introduce new programs to safeguard our history have not been granted the support such measures should warrant. For these and many other reasons, a revision of the law is necessary.

In line with this, this measure seeks to establish an enhanced agency to lead government with respect to records management and archive administration. The National Archives and Records Management Authority (NARMA) will address all the issues encountered in the application of *R.A. 9470* and shall also have greater power and flexibility to address any unexpected issues that may arise in the future.

The National Archives of the Philippines has the distinction—and burden—of having the largest number of records kept in Southeast Asia: 60 million, spanning the centuries of Spanish rule, American colonization, Japanese occupation, and finally the years of the Republic. Despite this gargantuan responsibility, it has no permanent site, its facilities have twice been burned in the last decade, and it has struggled to fulfill its mandate despite advances in modern technology. The National Archives of the Philippines merits far greater support and discretion than it has thus far received.

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


LOREN LEGARDA

- 1 b) Mandating accountability in ensuring that full and accurate records of
2 all government policy and action are created, maintained, and
3 preserved;
4
5 c) Ensuring the systematic and timely disposal of valueless records;
6 d) Enhancing public confidence in the integrity of public record-keeping
7 and management;
8 e) Ensuring the accessibility of public records relevant to the promotion
9 and preservation of Philippine cultural heritage and the people's right
10 to information;
11 f) Protecting, preserving, conserving, and promoting the nation's
12 documentary heritage, both in the public and private sectors;
13 g) Supporting the safekeeping of private archives; and
14 h) Strengthening the role of the NARMA in developing and supporting
15 government record-keeping and archival management;

16 **SEC 4. Scope.** – This Act shall cover all records, as defined in this Act,
17 held in both government offices or private collections, as well as archival and
18 records management programs and activities in all branches of government,
19 including local government units and regional governments, constitutional
20 offices, and other government instrumentalities.

21 **SEC 5. Definition of Terms.** – For purposes of this Act, the following
22 definitions shall hereby apply:

- 23 a) **"Agency head"** refers to the person responsible for the performance of
24 a government office and/or the person responsible for the performance
25 of an LGU, such as the chief executive elected under the Local
26 Government Code of 1991.
27 b) **"Agency Records Center"** refers to the storage of non-current records to
28 be managed and operated by each government office concerned or by a
29 private entity contracted by a government agency, as approved by the
30 NARMA.

- 1 c) **“Approved repository”** refers to a repository to be established by the
2 Director General, which is provided under this Act.
- 3 d) **“Appraisal”** is the systematic study of records to determine whether
4 they possess archival value necessitating preservation;
5
- 6 c) **“Archives”** shall refer to:
7 1) x x x
8 2) x x x
9 3) x x x
- 10 f) **“Archival materials”** shall refer to records, papers, periodicals, books or
11 other items, articles or materials, whether in the form of electronic,
12 audio-visual or print or other forms, which by their nature and
13 characteristics have archival value;
- 14 g) **“Archival value”** refers to the ongoing usefulness or significance of
15 records, based on the administrative, legal, fiscal, evidential, or
16 historical information they contain, justifying their continued
17 preservation;
- 18 h) **“Audio-visual materials”** shall refer to non-textual materials such as
19 films, audio-visual negatives, prints, sound or video recordings, or
20 digital files, including, but not limited to, moving films, documentaries,
21 and animation;
- 22 i) **“Controlling government agency”** shall refer to:
23 1) x x x
24 2) x x x
25 3) x x x
- 26 j) **“Controlling local government”** shall refer to:
27 1) x x x
28 2) x x x
- 29 k) **“Director General”** refers to the head of the National Archives and
30 Records Management Authority.

- 1 l) **"Disposal"** is the act of discarding or destruction of valueless records in
2 accordance with the provisions of this Act.
- 3 m) **"Disposition"** refers to the systematic movement of records in the office
4 storage whereby those classified as valuable records are permanently
5 preserved and those which are classified as valueless are disposed of.
6
- 7 n) **"Electronic records"** refer to information recorded in machine-readable
8 form, including records created, captured, generated, sent, received, and
9 stored in electronic records systems.
- 10 o) **"Estray record"** refers to a public record that is no longer under the
11 custody and control of the NARMA or a controlling government office.
- 12 p) **"Filipino masters"** shall refer to preeminent or historically noteworthy
13 Filipino artists of Philippine art historical styles, who may or may not
14 legally qualify or be otherwise proclaimed as National Artist,
15 particularly those who died before 1972.
- 16 q) **"Government office"** refers to any public office in all branches,
17 subdivisions, instrumentalities, agencies and entities of the government,
18 including, but not limited to, national government agencies,
19 constitutional offices, local government units (LGUs), government-
20 owned and controlled corporations (GOCCs), state and local
21 universities and colleges, courts, legislative and judicial offices, local
22 water instrumentalities, Philippine embassies, consulates, and other
23 Philippine offices abroad, and other instrumentalities of government.
- 24 r) **"Important cultural property"** shall refer to a cultural property that has
25 exceptional cultural, artistic, and historical significance to the
26 Philippines, and has been officially declared as such by law or the
27 pertinent cultural agency or agencies.
- 28 s) **"Judicial records"** refer to x x x.
- 29 t) **"Legislative records"** refer to x x x.
- 30 u) **"Local government archives"** refer to x x x.
- 31 v) **"Local government records"** refer to x x x.

- 1 w) **“Metadata”** refers to the context of electronic documents, which provide
2 information about the location of the document, its author, and the date
3 it was created, among others.
- 4 x) **“National Cultural Treasure”** refers to a unique cultural property
5 found-locally possessing outstanding historical, cultural, artistic,
6 and/or scientific value, is highly significant and important to the
7 country and nation, and has been officially declared as such by law or
8 the pertinent cultural agency or agencies.
- 9 y) **“National heroes”** shall refer to deceased personalities whose deeds
10 inspired the Filipinos to have a concept of a nation and to contribute to
11 the defense, interest, betterment, and quality of life of their fellow
12 countrymen, society, and homeland. They were and continuously being
13 honored by the people nationally through commemorations,
14 monuments or shrines, coins, and stamps, among others.
- 15 z) **“Non-current records”** refer to files that deal with completed or
16 adjourned business not needed for action or reference in continuing
17 agency transactions but which may be preserved and occasionally used
18 for legal, historical or operational purposes;
- 19 aa) **“Open access records”** refer to public records, whether in the custody
20 and control of the controlling government agency or the NARMA,
21 which have been in existence for at least thirty (30) years, and to which
22 public access have not been otherwise prohibited by the controlling
23 government office or the NARMA, as the case may be.
- 24 bb) **“President”** refers to the President of the Philippines.
- 25 cc) **“President’s papers”** refer to records and other documentary
26 materials created or received by the President, the President’s
27 immediate staff, or a unit or individual of the Office of the President
28 whose function is to advise or assist the President, while holding office
29 as President of the Philippines.
- 30 dd) **“Private archives”** refer to records with archival value belonging to
31 private individuals and/or entities.

- 1 ee) **“Protected record”** refers to x x x.
- 2 ff) **“Public access registry”** refers to a register available to the public that
3 contains information regarding access to public records, including any
4 restrictions or unauthorized disclosures.
- 5 gg) **“Public Archives”** shall refer to:
- 6 1) Public records that are determined to have archival value; and
7
- 8 2) Private archives that are acquired by NARMA under the
9 provisions of this Act, as well as any private archives acquired by
10 any government office.
- 11 hh) **“Public records”** x x x.
- 12 ii) **“Records”** shall refer to recorded information in whatever format
13 produced or received in the initiation, conduct or completion of an
14 institutional or individual activity and that comprises content, context,
15 and structure sufficient to provide evidence of the activity.
- 16 jj) **“Records center”** refers to an intermediate repository in which
17 noncurrent records of various government offices are stored until they
18 can be destroyed or transferred to the NARMA.
- 19 kk) **“Records management”** refers to x x x
- 20 ll) **“Records Office”** refers to an organizational unit responsible for
21 planning, developing, prescribing, disseminating and enforcing
22 policies, rules and regulations, and coordinating the agency-wide
23 records management program.
- 24 mm) **“Repository”** refers to a facility determined by a government office for
25 the appropriate maintenance and storage of public records.
- 26 nn) **“Restricted access records”** refers to records which access have been
27 restricted because there exists a legal impediment and/or standard or
28 advice issued by the Director General that requires such public records
29 to be withheld from public access.
- 30 oo) **“Standards”** refers to the circulars and orders issued by the Director
31 General pursuant to the provisions of this Act.

1 pp) **“Vital records”** refers to x x x.

2 qq) **“Vice President’s Papers”** refer to records and other documentary
3 materials created or received by the Vice President, the Vice
4 President’s immediate staff, or a unit or individual of the Office of the
5 Vice President whose function is to advise or assist the Vice President,
6 while holding office as Vice President of the Philippines.

7 **ARTICLE II**

8 **PURPOSE, OTHER PRELIMINARY PROVISIONS,**
9 **AND KEY ADMINISTRATIVE PROVISIONS**

10 **SEC 6. *Renaming of the National Archives of the Philippines to***
11 ***National Archives and Records Management Authority.*** – The National
12 Archives of the Philippines is hereby renamed as the “National Archives and
13 Records Management Authority” (NARMA) which shall be attached as an
14 independent agency to the National Commission for Culture and the Arts
15 (NCCA) exclusively for program coordination.

16 **SEC 7. *Establishment, Mandate and Functions.*** –

- 17 a) The National Archives and Records Management Authority shall be the
18 sole authority in government records management and archives
19 administration. It is the mandate of the NARMA to implement the
20 objectives and provisions of this Act. It shall plan, develop, prescribe,
21 disseminate and enforce policies, rules and regulations and coordinate
22 government-wide programs governing the creation, general protection,
23 use, storage and disposition of public records, including the acquisition,
24 storage and preservation of public archives and providing facilities for
25 reference, research, or other purposes. The NARMA shall also be the
26 primarily government agency responsible for the protection,
27 conservation, and designation, and regulation of public and private
28 archives, including archival cultural properties.
- 29 b) The National Archives and Records Management Authority shall have
30 the following functions:

- 1) Take necessary measures to classify, identify, preserve, and restore public records;
- 2) Acquire or facilitate the acquisition of permanent and suitable buildings for the NARMA to house the country's archival holdings and public records;
- 3) Conduct archival researches using archival materials here and abroad;
- 4) Plan, formulate and implement a records management and archival administration program for the efficient creation, utilization, maintenance, retention, preservation, conservation and disposal of public records including the adoption of security measures and vital records protection program in the interest of disaster preparedness and business continuity in government;
- 5) Provide technical assistance to all government offices, as well as the private sector, with respect to the storage of records, and in the planning, implementation and evaluation of their records management and archives administration programs;
- 6) Conduct and accredit training programs on records and archives management, including the establishment of an archival system of both public and private sectors;
- 7) Oversee public and private archives in terms of its cultural heritage preservation, conservation, protection, and regulation;
- 8) Acquire public records, private archives, and all other records that the Director General deem to have archival value through sale, donation, expropriation, or other forms of conveyance or transfer;
- 9) Impose administrative fines and sanctions for violation of its rules and orders issued pursuant to this Act, and for obstruction or refusal to comply with its lawful directives in the implementation of this Act;

- 1 10) Ensure the preservation and conservation of existing and future
2 archival resources of the government;
- 3 11) Issue, transmit and/or reproduce copies, certified true copies or
4 certifications on public archives and/or extracts thereof, subject
5 to the provisions on access in this Act and other existing laws;
- 6 12) Maintain a registry of all public records under the custody and
7 control of the NARMA which shall be made available for public
8 inspection;
- 9 13) Obtain custody and management of all the public archives not
10 already in the custody and management of the NARMA;
- 11 14) Accept, store, preserve and conserve any public archive
12 transferred to the NARMA;
- 13 15) Establish, maintain, operate regional archives and records
14 centers with complementary archives preservation facilities,
15 and all other related facilities;
- 16 16) Prepare, publish, sell, or otherwise distribute material
17 concerning any public archives or any part of the archives or
18 the activities, facilities, and services provided by the NARMA,
19 subject to the terms and conditions on which they are obtained
20 and subject to copyright laws.

21 **SEC 8. Management of the NARMA.** – The NARMA shall be headed by
22 a Director General, who shall serve as the Head of Agency of NARMA. The
23 Director General shall be assisted by three (3) Deputy Directors-General.

24 The Regional Offices shall be managed and supervised by the Director
25 General and Deputy Directors General, with the assistance of at least one (1)
26 Director per administrative region, each of whom shall have the appropriate
27 managerial rank.

28 Each Regional Director may be assisted by an Assistant Director, each of
29 whom shall have an appropriate managerial rank. Both the Regional Director
30 and Assistant Regional Director shall be appointed by the Director General
31 based on merit and performance.

1 **SEC 9. *The Director General.*** – The Director General shall be the
2 National Archivist of the Republic of the Philippines, with the rank and
3 emoluments of a Department Undersecretary. The Director General shall be
4 appointed by the President.

5
6 No person shall be appointed or designated as Director General of the NARMA
7 unless he/she possesses the following minimum qualifications:

- 8 a) a Filipino citizen;
- 9 b) a holder of a master's degree in archival studies, arts, history,
10 humanities, social studies, political science, sociology, public
11 administration, library science, information management or a related
12 field of study;
- 13 c) ten (10) years of experience, preferably in records management and
14 archives administration; and
- 15 d) not previously found guilty of a criminal or administrative offense.

16 The Director General shall have a fixed term of seven (7) years. In case
17 of vacancy in the position of the Director General during the seven-year-term,
18 the subsequent appointee shall serve the unexpired term of the predecessor and
19 may later be reappointed to a fresh seven-year-term.

20 **SEC 10. *The Deputy Directors General.*** – The Deputy Directors General
21 shall have the ranks and emoluments of an Assistant Secretary. One of the
22 Deputy Director General will be appointed by, and shall be co-terminus with,
23 the Director General; while the other two (2) Deputy Directors General shall be
24 career officials who shall be appointed by the President.

25 No person shall be appointed or designated as Deputy Director General
26 of the NARMA unless he/she possesses the following minimum qualifications:

- 27 a) a Filipino citizen;
- 28 b) a holder of a master's degree in archival studies, arts, history,
29 humanities, social studies, political science, sociology, public
30 administration, library science, information management or a related
31 field of study;

- 1 c) five (5) years of experience in records management and archives
2 administration; and
- 3 d) Career Executive Service Eligibility (for the Deputy Directors General
4 who are appointed by the President); and
- 5 e) not previously found guilty of a criminal or administrative offense.

6 **SEC 11. *Functions and Powers of the Director General.*** – The Director
7 General shall have the following functions and powers:

- 8 a) Establish policies, standards and guidelines related to public records
9 management and archives administration programs;
- 10 b) Examine, identify and determine records of government agencies and
11 classify and preserve those which are of permanent or enduring
12 historical value;
- 13 c) Advise on the creation, maintenance, storage, use and disposition of
14 public records;
- 15 d) Direct and determine the necessary standards for the disposition of
16 public records;
- 17 e) Take suitable measures in preserving and conserving archival materials
18 which are under the custody of the NARMA, government offices, and
19 private archives;
- 20 f) Acquire through transfer, donation, purchase, expropriation, or any
21 other means public records and private archives which in his or her
22 judgment have archival value;
- 23 g) Determine and establish measures on access and use of public archives;
- 24 h) Provide maintenance and security for public records in the custody and
25 control of the NARMA;
- 26 i) Report to the President any loss of public records in the custody and
27 control of the NARMA;
- 28 j) Enter into agreements with any archival or historical institutions, local
29 and abroad, to acquire or copy original documents or archival materials
30 to enhance the archival and historical holdings of the Philippines;

- 1 k) Establish and implement government-wide programs on public records
2 and archives disaster-preparedness and business continuity;
- 3 l) Establish linkages with local and foreign organizations engaged in
4 records management and archives administration;
- 5 m) Issue rules and regulations for all or any of the following purposes:
6
- 7 1) Regulating the transfer of public records from any government
8 office to the NARMA or to an approved repository;
- 9 2) Regulating the manner of destruction or other disposal of public
10 records;
- 11 3) Regulating the admission of the public to the NARMA and the
12 use by the public of public archives deposited in the NARMA;
- 13 4) Providing for the custody and preservation of Presidents' papers
14 and any other private records deposited in the NARMA, and
15 prescribing the fees to be charged for custody and preservation
16 thereof;
- 17 5) Prescribing forms for the proper and effective implementation of
18 this Act; and
- 19 6) Such other matters deemed by the Director General as necessary
20 or relevant.
- 21 n) Appoint one (1) out of the three (3) Deputy Director Generals, pursuant
22 to Sec. 10 of this Act;
- 23 o) Appoint as a consultant any person who possesses the ability and
24 expertise to carry out archival research, documentation work, or any
25 activities deemed necessary by the Director General;
- 26 p) Perform such other functions as may be necessary for the proper and
27 effective management of the NARMA and to fully implement this Act.

28 **SEC 12. Power of Review. –**

- 29 a) The Director General shall, from time to time, review or cause the review
30 of any classified records which are in the custody and under the control
31 of the NARMA.

1 b) For the purpose of subsection (a) and subject to subsection (c), the
2 Director General shall have the power to inspect the contents of any
3 classified records and declassify those classified records which are in the
4 custody and under the control of the NARMA.

5
6 c) The review and reclassification or declassification of any classified
7 records shall be carried out in accordance with existing laws, issuances
8 and regulations on classified documents.

9 **SEC 13. *Power to Delegate.* –**

10 a) The Director General may, by an instrument in writing, delegate and/or
11 appoint an acting Director General designated as officer-in-charge
12 whenever he/she shall be unable to perform the duties of his/her office
13 due to illness, absence or other cause, and in such case the person so
14 appointed may perform all the duties imposed on the Director General
15 by law until such temporary designation is deemed revoked.

16 Such power to delegate shall be subject to the provision of Section 40,
17 Chapter 8, Book IV of Executive Order No. 292.

18 b) The Director General may also, in writing, delegate any of his/her
19 functions under this Act, subject to conditions, limitations or restrictions
20 as he/she thinks fit, to a person or class of persons who may perform
21 those functions in the same manner and with the same effect as if those
22 functions had been conferred on him or them under this Act, subject to
23 the provision of Section 40, Chapter 8, Book IV of Executive Order No.
24 292.

25 c) A person purporting to act pursuant to a delegation made under this
26 section shall, in the absence of proof to the contrary, be presumed to be
27 acting in accordance with the terms of the delegations.

28 **SEC 14. *Right-Sizing.* –** The Director General shall have the authority
29 to reorganize the structure of the National Archives of the Philippines,
30 including its staffing pattern, in order to carry out its functions pursuant to its
31 expanded mandate as the NARMA, subject to the approval of the Department

1 of Budget and Management and in accordance with the rules and guidelines of
2 the Civil Service Commission.

3 **SEC 15. *Special Institutes and Archives.*** – The NARMA shall also
4 house the following special institutes and archives:

- 5 a) Archives and Records Management Training Institute;
- 6 b) Pandemic and Disaster Response Archives;
- 7 c) Oral Narratives Center;
- 8 d) Grassroots Community Archives;
- 9 e) Commemorative Archives;
- 10 f) Presidential Archives; and
- 11 g) Special Collection Archives.

12 Subject to the provisions of this Act, the Director General shall be
13 authorized to create new institutes and archives within the NARMA.

14 **SEC. 16. *Permanent Site.*** – Without prejudice to future acquisitions by
15 the NARMA, the Intendencia Building in Intramuros, Manila, as well as all
16 other existing real properties of the National Archives of the Philippines are
17 hereby designated for the use of the NARMA and shall serve as the permanent
18 and exclusive sites of the National Archives. The ownership of the Intendencia
19 building and its associated land shall be transferred to the NARMA.

20 The Director General shall have immediate custody and control of the
21 National Archives and its contents and may design, construct, purchase, lease,
22 maintain, operate, protect, conserve, restore, and improve buildings (including
23 heritage buildings) and other facilities for use by the NARMA.

24 **SEC. 17. *Establishment of an Archival Conservation Laboratory*** – The
25 NARMA shall establish an Archival Conservation Laboratory equipped with
26 advanced paper conservation tools and equipment to ensure the continued
27 preservation of its archival collection.

28 **SEC. 18. *Establishment of Regional Offices.*** – The NARMA shall
29 establish, operate, and maintain regional offices to perform active and inactive
30 records management and archives administration and preservation activities
31 in each administrative region.

1 The regional offices shall operate regional records centers and regional
2 archives, with complementary storage facilities and archives preservation
3 facilities.

4 **SEC. 19. *Personnel Training, Development, and Performance Incentives.***

5 - The NARMA shall undertake learning and development programs to
6 upgrade the capabilities of its personnel in the various functions of the
7 NARMA. Personnel shall be allowed to train or study in the Philippines or
8 abroad, on official time, subject to the needs of the service, upon approval of
9 the Director General.

10 A system of monetary incentives shall be established by the NARMA to
11 reward the superior performance and milestones of professional development
12 on the part of management and administrative and technical personnel, subject
13 to the approval of the Department of Budget and Management and, where
14 applicable, of the Civil Service Commission.

15 **SEC. 20. *Trust Fund.*** - The NARMA shall establish a Trust Fund which
16 shall be sourced from fees, fines, and other income generated from its
17 operations incidental to its functions. The NARMA Trust Fund shall be used
18 exclusively for NARMA programs, activities, acquisitions, infrastructure,
19 improvement, travels, and trainings abroad, and analogous expenses. The
20 utilization of the Trust Fund shall be subject to usual government accounting
21 and auditing rules.

22 **SEC. 21. *Retention of Income and Disposition of Donated Funds.*** -
23 Income that accrues to the NARMA from all sources of its operations shall be
24 placed in the NARMA Trust Fund and may accumulate for disbursement in
25 future fiscal years, if not used within the fiscal year in which such income was
26 generated.

27 Donations of money to the NARMA shall also be placed in the NARMA
28 Trust Fund, to be disbursed according to the terms and purposes of the
29 respective deeds of donation, or disbursed for any purpose for the benefit of
30 the NARMA, as may be determined by the Director General, if no specific
31 purposes are stipulated in the deeds of donation.

1 implemented by all government offices, with particular attention to their
2 peculiar needs and operations. Such records management standards and
3 procedures shall seek to implement the following goals:

- 4 a) Accurate and complete documentation of the policies and transactions
5 of all government offices;
- 6 b) Assessment and control of the quantity and quality of public records
7 generated by a government office;
- 8 c) Establishment and maintenance of mechanisms of control with respect
9 to records creation in order to prevent the creation of unnecessary
10 records and to promote the effective and economical operations of a
11 government office;
- 12 d) Simplification of activities, systems, and processes of records creation,
13 maintenance, use and disposition of records;
- 14 e) Judicious preservation and disposition of public records;
- 15 f) Direction of continuous attention on records from their initial creation
16 to their final disposition;
- 17 g) Increase in capacity of electronic and digital forms in the maintenance,
18 storage, reproduction, and preservation of public records; and
- 19 h) Establishment and maintenance of such other systems or techniques as
20 the NARMA considers necessary to carry out the policies and objectives
21 of this Act.

22 **SEC 25. *Establishment of Records Offices in All Government Offices.* –**

23 All government offices shall each establish their archives and records office in
24 coordination with the DBM and the NARMA from their organic personnel
25 within a year from the date of effectivity of this Act. The records officer or an
26 archivist of a government office shall head the said archives and records office.
27 The records officer shall have the duty of complying with the NARMA
28 regulations and guidelines and shall be *prima facie* responsible for any failure
29 to comply with the provisions of this Act.

30 **SEC 26. *Establishment of Agency Records Centers.* –** All government

31 offices shall establish their agency records center. These centers shall be

1 responsible for the maintenance and control of non-current records under their
2 custody.

3
4 **SEC 27. *Establishment of a Records and Archives Management Program***
5 ***in All Government Offices.*** – All heads of government offices shall establish
6 and maintain an active, continuing program for the effective, efficient, and
7 economical management of public records and archives by their respective
8 government offices.

9 The NARMA shall assist all government offices in the establishment of their
10 respective records and archives management programs.

11 **SEC 28. *System of Registration and Accreditation.*** – Pursuant to the
12 provisions of this Act, the NARMA shall institute a comprehensive program
13 for the registration and accreditation of various public and private archives
14 nationwide. Such system of registration and accreditation shall include among
15 others, the mechanism for updating public and private archives of recent
16 methods, techniques and procedures in records management and the annual
17 reportorial requirements of their archival holdings.

18 **SEC 29. *Public Access Registry.*** – All government offices shall
19 regularly conduct an inventory of their public records and shall be mandated
20 to keep the following data in their respective Public Access Registry:

- 21 a) All public records under the government office's custody;
22 b) All public records transferred to the NARMA;
23 c) Public records disposed of with authority from the NARMA; and
24 d) Data of deferred transfer.

25 Such public access register shall also contain information on:

- 26 a) Restrictions on public access to public records;
27 b) Prohibitions on public access to public archives or protected records
28 under the control of the Director General; and
29 c) The grounds for the prohibitions and restrictions stipulated.

30 The heads of all government offices concerned shall ensure the full public
31 accessibility of said registry.

1 **SEC 30. *Records Disposition.*** – Every disposition action on a public
2 record must strictly be in accordance with the general records disposition
3 schedule and agency records disposition schedule when applicable, as
4 submitted to and approved by the NARMA.

5 **SEC 31. *General Records Disposition Schedule.*** – The NARMA shall
6 develop a general records disposition schedule that shall prescribe the disposal
7 of public records common to all government offices.

8 **SEC 32. *Agency Records Disposition Schedule.*** – All government
9 offices shall, after a periodic appraisal and review of its inventory of public
10 records at a frequency to be determined by the NARMA, submit an agency
11 records disposition schedule covering other public records not covered by the
12 GRDS.

13 **SEC 33. *Disposal of Public Records.*** – No government office shall
14 dispose, or authorize the disposal, of any public record that is in its custody or
15 control, except with the prior written authority of the NARMA.

16 **SEC 34. *Authority for the Disposition of Public Records.*** –

17 a) The Director General or his/her delegate shall authorize
18 in writing the disposition of a public record, such as:

- 19 1) Transferring control and custody of the public
20 record to another government office;
- 21 2) Transferring control and/or custody of the public
22 record to the Director General;
- 23 3) Destroying the valueless public record; or
- 24 4) Selling the valueless public record.

25 b) Before authorizing a disposition of a public record under
26 subsection (a), the head of a government office shall give
27 the Director General at least thirty (30) days' notice prior
28 to:

- 29 1) x x x;
- 30 2) x x x;
- 31 3) x x x.

1 **SEC 35. *Transfer of Public Records to the NARMA.*** – Heads of
2 government offices shall cause the transfer of the following public records
3 under their control and custody, to the control and custody of the NARMA:

4 a) Archival materials or collections of any government office which
5 are more than thirty (30) years old and have national and
6 historical significance as determined by NARMA, including, but
7 not limited to:

8 1) as-built plans of government-owned buildings, bridges,
9 and similar works implemented by the Department of
10 Public Works and Highways, and by other government
11 offices;

12 2) noncurrent public records of a government office that has
13 thirty (30) years or more retention periods, including
14 inactive personnel records which are often referred to as
15 the 201 files.

16 b) Any public record, regardless of age, that, in the judgment of the
17 Director General, have archival value to warrant their
18 preservation;

19 c) Public records of a government office that ceases to exist as a
20 public office, or ceases to exercise a function to which its public
21 records relate, unless otherwise provided by law;

22 d) President and Vice-Presidential Papers;

23 e) Civil registry records over one hundred (100) years old; and

24 f) Other public records which may be transferred at the option of
25 the heads of government agencies, subject to the acceptance of
26 such records by the NARMA.

27 Nothing in this section shall be deemed to authorize the transfer of
28 classified records except with prior written consent of the head of the
29 government office charged with the control and custody of public records.

30 Furthermore, nothing in this section shall be construed as affecting or
31 extending the law relating to copyright.

1 Public records shall be surrendered on demand:

- 2 a) Public records, in the possession of a private person who has special
3 permission to keep and handle records in the course of his official duties,
4 which in the opinion of the Director General are or likely to be of
5 permanent and enduring archival value, shall, on demand by the
6 Director General or a proper officer be surrendered to the custody and
7 control of the NARMA; and
8 b) x x x.

9 **SEC 36. *Turn-over of Presidential and Vice Presidential Papers.***

10 Presidential Papers and Vice Presidential Papers as defined under this Act shall
11 be transferred to the NARMA within one (1) year from the end of the term of
12 the respective President and Vice President.

13 **SEC 37. *Deferred Transfer of Records.*** The Director General may defer
14 the transfer of any public records when, upon his or her determination, the
15 immediate transfer of the public records shall prejudice the administration of
16 any government office or would be contrary to public interest.

17 The Director General may also defer the transfer of any public records
18 due to logistical concerns, pending legal issues over such records, or failure of
19 the government office to comply with any procedure and conditions for
20 transfer that the NARMA may set out.

21 The requirement to transfer public records does not apply to the
22 following circumstances:

- 23 a) Public records whose disposition are under or part of specific
24 acts, laws regulations, or orders of a competent court, or a quasi-
25 judicial or investigatory body;
26 b) When the head of the controlling government office and the
27 Director General have agreed in writing that the transfer of the
28 public records may be deferred for a specified period that the
29 Head and Director General consider appropriate; *provided* that
30 such deferment should not exceed two (2) years, and that this
31 deferment may be extended upon approval of the Director

1 General, which extension shall not be more than two (2) years at
2 a time;

3 c) Public records that are in electronic form, if the Director General
4 instructs the controlling government office in writing to continue
5 to maintain and control those records after the expiry of the thirty
6 (30) year period; or,

7 d) When the controlling government office has its own archival
8 facility.

9 Every deferred transfer under this section shall be noted in NARMA's
10 Registry, and the respective registry of the government office concerned.

11 **SEC 38. *Transfer of Public Records to NARMA Records Centers* –**

12 Whenever it is in the interest of the efficient operations of a government office,
13 the head of a controlling government office may direct the transfer of such
14 public record to a records center as provided for by this Act. *Provided*, that such
15 transfer is approved by the NARMA and according to the transferring agency's
16 Records Disposition Schedule and the GRDS.

17 **SEC 39. *Regional Archives, Records Center and Agency Records Center,***

18 ***Establishment.*** – Pursuant to the objectives of this Act, the following shall be
19 established, maintained and operated by the NARMA:

20 a) *Regional Archives* – x x x

21 b) *Records Centers* – x x x

22 c) *Agency Records Centers* – x x x

23 **SEC 40. *Protected Records of Local Governments.* –**

24 a) The Director General may, by notice in the Official Gazette made
25 after consultation with any local government concerned, declare
26 that a local government record is a protected record for purposes
27 of this Act.

28 b) An LGU shall provide for the adequate protection and
29 preservation of a protected record it holds, in accordance with
30 any applicable standards or instructions issued by the Director
31 General.

- 1 c) An LGU shall not dispose of a protected record unless it has:
2 1) Notified in writing the Director General of its intention to
3 dispose of the protected record;
4 2) Identified the protected record concerned; and
5 3) Specified how it intends to dispose of the protected record.
6 d) Not later than three months after receiving written notification
7 under subsection (c)(1), the Director General shall:
8 1) Direct the local government in writing to transfer the
9 protected record to the control of the Director General,
10 subject to conditions agreed by the head of an LGU and
11 the Director General; or
12 2) Authorize the disposal of the protected record identified
13 under subsection (c)(2).

14 **SEC 41. *Approval of Repositories.*** – The Director General or his/her
15 delegate may:

- 16 a) Bestow upon an appropriate archives, such as a museum, a
17 library, another archive or a local government repository, as an
18 approved repository where public archives may be deposited for
19 safekeeping; and
20 b) Amend or revoke such grant of approval as stipulated under
21 paragraph (a) herein.
22 c) At any time after giving reasonable notice, inspect an approved
23 repository;
24 d) With the agreement of the head of the controlling government
25 office and the consent of the approved repository, deposit public
26 archives in an approved repository, or conditions on, or issue
27 instructions to, an approved repository for the purpose;
28 e) Impose standards of ensuring that the national interests in the
29 public archives are preserved; the public archives are properly
30 maintained and appropriate public access to the public archives
31 is maintained; and

- 1 f) Direct an approved repository to transfer public archives to the
2 possession of the NARMA, another approved repository or the
3 controlling government office, as the case may be.

4 **ARTICLE IV**
5 **ELECTRONICS RECORDS MANAGEMENT**

6 **SEC 42. *Management of Electronic Records.*** – All government offices,
7 with existing electronic records, shall create and implement an Electronic
8 Records Management Program (ERMP), which shall be in line with the
9 standards set under this Act and other regulations which may be issued by the
10 NARMA.

11 **SEC 43. *Electronic Records Standards*** – The following minimum
12 standards shall be imposed on electronic records management:

- 13 a) **Record Documentation** – Electronic records shall be created with
14 essential metadata which describe the content and structure of
15 the record as well as the background of its creation. Accurate and
16 reliable links connecting the electronic record and the transaction
17 that will be created shall be maintained.
- 18 b) **Record Accessibility** – The content, structure, and context of
19 records shall be transferred to and preserved in the electronic
20 records management system in an accessible and useable format
21 until the records reach the end of their retention period or until
22 they are destroyed.
- 23 c) **Record Integrity** – All electronic records shall be properly
24 secured. They shall be protected throughout their retention
25 periods from intentional or accidental modifications, disclosures
26 deletion, and unauthorized access. Permission to capture, access,
27 or destroy electronic records shall only be given to authorized
28 personnel.

1 d) **Record Security** – The agencies shall formulate their own rules
2 on access levels to include the use of usernames and passwords.
3 Access rights may be given to authorized users and/or personnel
4 in accordance with applicable provisions of the Data Privacy Act
5 and other regulations pertaining to confidential and classified
6 records. The agency shall also identify which electronic records
7 are subject to legislative, regulatory and institutional policy
8 restrictions.

9 **SEC 44. *Electronic Record as an Official Copy*** – An electronic record
10 shall be considered as the official copy when it is created, captured, and
11 maintained within a reliable electronic recordkeeping system.

12 **SEC 45. *Inventory of Electronic Records*** – All government offices shall
13 create a records inventory of all electronic records, regardless of media.
14 Government offices shall also ensure that all electronic records are included in
15 their respective Agency Records Disposition Schedules.

16 **SEC 46. *Digitization of Paper Records*** – Records with long-term
17 administrative, legal, fiscal, or other permanent value shall be prioritized for
18 conversion to an electronic format.

19 **SEC 47. *Digitized Document as Equivalent of the Original*** – Any
20 digitized document certified as a true copy of the records under the custody of
21 the controlling government office, shall be considered an original document.
22 Any digitized document so certified by the said office shall be considered a
23 public document, which needs no further authentication in any court of law.

24 **SEC 48. *Admissibility as Evidence*** – The relevant applicable rules of
25 judicial, quasi-judicial, or administrative bodies shall determine the
26 admissibility and manner of authentication of these electronic records as
27 evidence.

28 **SEC 49. *Copies as equivalent of the originals*** – When a document is in
29 two or more copies executed at or about the same time with identical contents,
30 or is a counterpart produced by the same impression as the original, or from
31 the same matrix, or by mechanical or electronic re-recording, or by chemical

1 reproduction, or by other equivalent techniques which is accurately reproduces
2 the original, such copies or duplicates shall be regarded as the equivalent of the
3 original. Notwithstanding the foregoing, copies or duplicates shall not be
4 admissible to the same extent as the original if:

5 a) a genuine question is raised as to the authenticity of the original;

6 or

7 b) in the circumstances it would be unjust or inequitable to admit a
8 copy in lieu of the original.

9 **SEC 450. *Digital Signature*** – Official digital signatures, which have
10 verifiable metadata and are password-protected, must be used on all official
11 documents which are otherwise not signed on paper.

12 **SEC 51. *Official Electronic Mail*** – Official government business must
13 be conducted only through official email accounts.

14 **SEC 52. *Preservation of Electronic Records*** – Government offices shall
15 guarantee that electronic records will not sustain any loss or alteration of
16 information at all stages of their existence. Government offices must ensure the
17 future accessibility of electronic records by developing migration and
18 conversion strategies that are designed to update hardware, software, and
19 storage media before they reach obsolescence.

20 Furthermore, government offices shall maintain appropriate back-up
21 media and systems for storing electronic records through-out the records
22 retention period.

23 **SEC 53. *Migration of Electronic Records*** – Migration of electronic
24 records shall be required when at least one of the following conditions is
25 present:

26 a) The scheduled destruction date is greater than five years from the
27 initial installation date or last major upgrade of the computer
28 storage device or software that reads, process, or maintains the
29 records;

30 b) The total retention period is greater than ten years from the date
31 the records were created; or

1 c) Usability of the electronic records will be affected by
2 replacements, upgrades, or other changes in computer hardware
3 or software components.

4 **SEC 54. *Retention and Disposal of Electronic Records*** – The retention
5 and disposal of electronic records shall be in accordance with the approved
6 records disposition schedules and Article III, Sec. 33 of this Act.

7 **ARTICLE VI**
8 **STANDARDS, INSPECTION, REPORTING AND AUDIT**

9 **SEC 55. *Effectivity of Standards***. – All standards issued by the Director
10 General shall be published in the Official Gazette or in a newspaper of general
11 circulation not later than ninety (90) days before its effectivity. In the absence
12 of such required publication, the NARMA shall deem it not effective.

13 **SEC 56. *Inspection Powers***. – The Director General may, after giving
14 reasonable notice to a government office or private archive concerned, review
15 the records management and archives administration practices and programs
16 of any government office, determine the effectiveness and compliance of such
17 practices and programs with this Act, and make the necessary recommendation
18 or directive for correction or improvement of records management; *Provided,*
19 that during the conduct of inspection, the Director General or his/her
20 authorized representative may require the production of documents or
21 archives.

22 However, the Director General is prohibited from exercising such power
23 to inspect in cases where public records:

- 24 a) carry security classifications; and,
25 b) are restricted by other legislation without the consent of the head
26 of the controlling government office.

27 The provision of this section applies, with the necessary modifications,
28 to local government records and local government archives.

29

1 For this purpose, the NARMA shall adopt an operational guideline and
2 rules of procedure. The Director General or his/her delegate shall have the
3 power to cite the responsible official/s for contempt for violations thereof.

4 **SEC 57. *Direction to Report to the Director General.*** – The Director
5 General may give notice in writing directing the head of a government office
6 or of an approved repository to report to the Director General or to any other
7 person on:

- 8 a) Any specified aspect of its record keeping practice; or
9 b) The public records that it controls or, in the case of an approved
10 repository, has possession of.

11 **SEC 58. *Annual Report on Record Keeping.*** – The Director General shall
12 make an annual report to the President on the state of record keeping within
13 government offices. Such report shall be included in the annual report given to
14 the President where the same shall be furnished to the Congress.

15 **SEC 59. *Public Records Management Audit.*** – The Director General or
16 his/her delegate shall be authorized to conduct a periodic records management
17 audit in all government offices and other public archives. All heads of each
18 government office, whether national or local, shall grant access to all of their
19 records for audit purposes. The audit shall be conducted after five (5) years
20 from the date of effectivity of this Act and five (5) years thereafter, or as
21 otherwise required under pertinent rules.

22 For this purpose, the Director General may deputize the respective
23 records officers of the concerned agencies or office to assist him/her in the
24 conduct of the audit; provided that the audit/inspection of consular offices,
25 embassies, and other government agencies outside the Philippines shall be
26 conducted every five (5) years.

27 **ARTICLE VII**
28 **ARCHIVES ADMINISTRATION**

1 **SEC 60. Access Status.** — When public records have been in existence
2 for thirty (30) years or more are about to be transferred to the custody and
3 control of the NARMA, the head of the controlling government office shall
4 classify the records as either:

- 5 a) Open access records, which may be freely accessed by the public;
- 6 or
- 7 b) Restricted access records, which must be withheld from the
8 public as required by law or as deemed necessary by the head of
9 government office.

10 At the time of original classification, the controlling government office
11 shall establish a specific date or event for declassification based on the duration
12 of the national security sensitivity of the information, which period shall not
13 exceed 30 years. Such period may be extended upon approval by the Director
14 General of the request by the controlling government agency, which extension
15 shall not be more than five (5) years at a time.

16 **SEC 61. Grounds for Determining Access Status.** —

- 17 a) In classifying the access status of a public record under Section
18 60, the head of the controlling government office shall consider
19 existing rules and regulations on classified records.
- 20 b) x x x
- 21 c) If there are good reasons for restricting public access under
22 subsection (a), or if such legal impediment exists requiring such
23 public record to be withheld from public access, the head of the
24 controlling government office shall, in consultation with Director
25 General, determine the necessity to restrict public access to the
26 public record for a specified period of time or permit such public
27 access with conditions.
- 28 d) The head of a controlling government agency may, at any time,
29 in consultation with the Director General, vary or withdraw a
30 condition imposed on public access records.
- 31 e) x x x

1 f) The NARMA shall comply with the conditions of public access
2 imposed under subsection (c).

3 g) A restriction on public access to a public record shall be noted in
4 the Public Access Registry.

5 h) x x x

6 **SEC 62. Access Status of Local Government Records.** – x x x.

7 **SEC 63. Grounds for Determining Access Status of Local Government**
8 **Records.** – x x x.

9 **SEC. 64. Access to Public Archives.** – Any person may, for the purpose
10 of reference or research, inspect any public archives or public records made
11 available to the public; *Provided*, that all conditions or restrictions imposed by
12 the government office from which the public records were acquired and/or by
13 the NARMA are met.

14 **SEC 65. Public Inspections of Open Access Records.** – Unless this Act
15 or its pertinent implementing rules and regulations provides otherwise, an
16 open access record shall be made available for inspection by the public as soon
17 as it is reasonably practicable after a request to inspect the record is made to
18 the government office, the approved repository, or the NARMA, whichever has
19 possession of the open access record.

20 **SEC 66. Publication or Copying of Public Archives under the NARMA.**
21 – The Director General may, subject to condition that he/she deems
22 appropriate, authorize, in writing, the publication or replication of a public
23 archive that is an open access record.

24 **SEC 67. Prohibition on Public Access or Replication.** – Accessing or
25 replicating a public archive or protected record which is under the control and
26 custody of the NARMA shall be deemed prohibited. Such prohibition on public
27 access shall be noted in the Public Access Registry.

28 **SEC 68. Restricted Access Records.** – The period for which public
29 access to a public record may be restricted, may upon the written request of the
30 Director General, be reviewed after the expiry of ten (10) years from the date
31 that the restriction is recorded in the Public Access Registry: *Provided*, That

1 before its expiry, it may be extended for further periods as specified by the head
2 of the controlling government office.

3 **SEC 69. *Creation of Archival Preservation Copies.*** – The NARMA shall
4 ensure continued access to its archival collection through the creation of
5 preservation copies of its archival records in various preservation formats, such
6 as but not limited to, microfilms and microfiche.

7 **SEC 70. *Protection of Records and Archives against Disasters.*** – The
8 NARMA shall establish standards and guidelines for the protection of records
9 and archives during natural disasters and human-induced calamities. It will
10 also ensure close coordination with relevant government agencies to ensure
11 that records and archives are protected and preserved during natural disasters
12 and human-induced calamities.

13 **SEC 71. *Inalienability and Imprescriptibility of Public Records and***
14 ***Public Archives.*** – All public records and public archives are inalienable and
15 cannot be removed, abandoned, destroyed or transferred from the agency
16 having custody of the records without the authorities under this Act or its
17 implementing rules.

18 The NARMA shall have the right to recover, manage, and retain
19 custody/possession of any and all estray records at any time. Furthermore, the
20 NARMA may compel any person to surrender an estray record at any time
21 after due notice.

22 The head of the concerned government office shall notify the NARMA
23 of any actual, impending, or threatened unlawful removal, sale, unauthorized
24 reproduction, defacing, alteration, corruption, deletion, erasure, or other
25 destruction of records in the custody of a government office. The NARMA shall
26 then initiate action for the recovery and protection of such public records.

27 **SEC 72. *Procurement of Items for the NARMA Collections.*** – The
28 procurement of unique, special, and/or original items with national
29 importance by the NARMA for its collections, charged to any of its sources of
30 funds as may be allowed, shall be exempted from applicable laws, rules, and
31 regulations regarding government procurement.

1 **SEC 74. *The Role of NARMA in Protecting Archival Cultural Heritage.***

2 – In line with the pertinent provisions of the National Cultural Heritage Act,
3 as amended, the NARMA shall have the primary responsibility for the
4 preservation, conservation, protection, and regulation of the nation’s archival
5 cultural heritage.

6 **SEC 75. *Presumption of Archival Cultural Heritage as Important***
7 ***Cultural Property.*** – The following shall be presumed as Important Cultural
8 Properties, unless such presumption is lifted by the NARMA:

- 9 a) Archival material/document dating at least fifty (50) years old;
10 b) Audio-visual materials and records dating at least fifty (50) years
11 old; and
12 c) Archival collection and other records of:
13 1) National Heroes;
14 2) Former Presidents and Vice Presidents of the Philippines;
15 3) National Artists;
16 4) National Scientists;
17 5) Manlilikha ng Bayan;
18 6) Republic Cultural Heritage Awardees; and
19 7) Other Filipino Masters.

20 **SEC 76. *Declaration of Archival Cultural Properties as National***
21 ***Cultural Treasures and Important Cultural Properties.*** – NARMA shall
22 declare archival properties as national cultural treasures or important cultural
23 properties in accordance with the provisions of the National Cultural Heritage
24 Act, as amended.

25 **SEC 77. *Right of First Refusal Over Archival Important Cultural***
26 ***Properties and National Cultural Treasures.*** – The NARMA shall be given the
27 right of first refusal in the purchase of archival cultural properties declared as
28 national cultural treasures or important cultural properties. Prior to the finality
29 of the sale, the NARMA may likewise match any offer made for the purchase
30 of said properties.

1 The Director General, or his/her delegate, may issue a cease-and-desist
2 order *ex parte* to enjoin an act or practice which is fraudulent or can be
3 reasonably expected to cause significant, imminent, and irreparable danger or
4 injury to public safety or welfare in relation to the purposes and objectives of
5 this Act. The *ex parte* order shall be valid for a maximum period of twenty (20)
6 days, without prejudice to the order being made permanent after due notice
7 and hearing.

8 **SEC 83. Contempt.** - Any person who, without justifiable cause, fails or
9 refuses to comply with any lawful order, decision, or subpoena issued by the
10 Director General, or his/her authorized officer/s, shall, after due notice and
11 hearing, be held in contempt and fined in an amount not exceeding Thirty
12 thousand pesos (P30,000.00). When the refusal amounts to clear and open
13 defiance of the NARMA's order, decision, or subpoena, the NARMA may
14 impose a daily fine of One thousand pesos (P1,000.00) until the order, decision,
15 or subpoena is complied with.

16 **SEC. 84. Administrative Fines or Sanctions** - If, after due notice and
17 hearing, the NARMA finds that (a) there is a violation of its rules and orders
18 issued in pursuance to this Act; (b) there is obstruction or refusal to comply
19 with NARMA's lawful directives in the implementation of this Act; or (c) there
20 is a conduct of seminars, trainings, and lectures regarding public records
21 disposition without authority from the Director General, it shall, in its
22 discretion and based on the attending facts and circumstances and with regard
23 to the gravity and willfulness of the violation, impose an administrative fine of
24 not less than Fifty Thousand Pesos (PhP 50,000.00), nor more than One Million
25 Pesos (PhP 1,000,000.00), plus not more than Two Thousand Pesos (PhP
26 2,000.00) for each day of continuing violation, with legal interest.

27 The imposition of an administrative fine or sanction shall be without
28 prejudice to any criminal or civil liability of the offender.

29 The Director General shall have the power to issue writs of execution to
30 enforce the provisions of this Section and to enforce payment of the fees herein.

1 The fees collected under this Section shall be forwarded and remitted to the
2 NARMA Trust Fund created under Sec. 19 of this Act.

3 **SEC 85. *Offenses and Penalties.*** – The following acts are hereby
4 deemed unlawful and subject to the corresponding penalties:

- 5 a) Willfully or negligently altering, damaging, or
6 destroying/disposing of any public record in the possession of
7 NARMA and other government agencies, other than in
8 accordance with the provisions of this Act – imprisonment of no
9 less than five (5) but no more than ten (10) years and/or a fine of
10 no less than Five Hundred Thousand Pesos (P500,000.00) but no
11 more than One Million Pesos (P1,000,000.00), at the discretion of
12 the court;
- 13 b) Transferring a public record outside of the Philippines without
14 the express written authority of the Director General –
15 imprisonment of no less than five (5) but no more than ten (10)
16 years and/or a fine of no less than Five Hundred Thousand Pesos
17 (P500,000.00) but no more than One Million Pesos (P1,000,000.00),
18 at the discretion of the court;
- 19 c) Selling of public archives within the custody of the NARMA,
20 without the NARMA’s authority – imprisonment of no less than
21 five (5) but no more than ten (10) years and/or a fine of no less
22 than Five Hundred Thousand Pesos (P500,000.00) but no more
23 than One Million Pesos (P1,000,000.00), at the discretion of the
24 court; and

25 Any public officer committing any of the unlawful acts prohibited under
26 this Act shall be punished by an additional fine of not less than Five hundred
27 thousand pesos (P500,000.00) but not exceeding One million pesos
28 (P1,000,000.00) and/or additional imprisonment for not less than five years but
29 not more than fifteen (15) years and/or both fine and imprisonment at the
30 discretion of the court without prejudice to the filing of administrative charges
31 that would result to such public officer’s perpetual disqualification from public

1 office, and forfeiture, in favor of the government, of his/her salary and other
2 lawful income.

3 The violation of the provision of this Section proven in a proper
4 administrative proceeding shall be sufficient cause for removal or dismissal of
5 a public officer, even if no criminal prosecution is instituted against him/her.

6 A person convicted of an offense under this section may, in addition to
7 any penalty imposed for violation, be prohibited by order of the court from
8 having access to the NARMA for any period that the court deems appropriate.

9 **SEC 86. *Competent Court.* — x x x.**

10 **SEC 87. *Prescription of Offenses.* — x x x.**

11 **SEC 88. *Termination of Office.* — x x x.**

12 **SEC 89. *Suspension and Loss of Benefits.* — x x x."**

13 **Sec 2. *Transitory Provisions.* — All the assets, fixed and movable, and all
14 contracts, documents, and records of the National Archives of the Philippines relative
15 to its operation are hereby transferred to the NARMA.**

16 All agreements and contracts entered into by the National Archives of the
17 Philippines shall remain in full force and effect unless otherwise terminated, modified,
18 or amended.

19 The incumbent Executive Director and Deputy Executive Directors of the
20 National Archives of the Philippines shall continue to serve in their respective
21 capacity as the Director General and Deputy Directors General of the NARMA for one
22 year after the effectivity of this Act, or until the completion of their respective terms
23 of office as granted under Republic Act No. 9470, whichever is longer, unless such
24 terms of office are extended by the President: *Provided*, that such extension shall not
25 exceed five (5) years, after which, the new Director General shall serve seven (7) years,
26 pursuant to Sec. 10 of this Act.

27 Employees of the National Archives shall be absorbed by the NARMA on the
28 basis of merit and fitness: *Provided*, that employees who shall be separated from the
29 service as a result of the abolition shall receive retirement and other benefits to which
30 they are entitled under existing laws.

1 The necessary plantilla positions and organizational units within the NARMA,
2 including the additional positions of Deputy Directors General and Regional
3 Directors, shall be established in coordination with the Department of Budget and
4 Management.

5 Sec 3. *Appropriations.* – The amount of Two Hundred Million Pesos (PHP
6 200,000,000.00) necessary to carry out the provisions of this Act shall be appropriated
7 from the funds not otherwise appropriated and are available in the National Treasury.
8 Thereafter, such sums as may be necessary for the continued implementation of this
9 Act shall be included in the annual General Appropriations Act.

10 Sec 4. *Implementing Rules and Regulations.* – Within ninety (90) days from the
11 effectivity of this Act, the NARMA shall promulgate the necessary rules and
12 regulations for the proper implementation of this Act.

13 Sec 5. *Separability Clause.* – Should any portion or provision of this Act be
14 declared unconstitutional, the same shall not affect the validity and effectivity of the
15 other portions or provisions hereof not affected thereby.

16 Sec 6. *Repealing Clause.* - All other laws, presidential decrees, executive orders,
17 and rules and regulations inconsistent with the provisions of this Act are hereby
18 repealed or modified accordingly.

19 Sec 7. *Effectivity.* - This Act shall take effect after fifteen (15) days following the
20 completion of its publication in the Official gazette or in a newspaper of general
21 circulation.

Approved,

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

SENATE

S. No. _____

Introduced by Senator Loren Legarda

**AN ACT
FURTHER STRENGTHEN THE GOVERNMENT SYSTEM OF RECORDS
MANAGEMENT AND ARCHIVES ADMINISTRATION, ESTABLISHING FOR
THE PURPOSE THE NATIONAL ARCHIVES AND RECORDS MANAGEMENT
AUTHORITY, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The value of recorded history cannot be gainsaid: through letters, diaries, notes, and other papers, we are transported into the time and presence of our predecessors. What we learn from them through these records is relevant not only to us as individuals, but to our social institutions and people.

It should thus follow that preserving, studying, and promoting the knowledge of these records are of great importance worthy of the attention and resources of our government. In 2007, Congress acknowledged this fact by enacting *Republic Act No. 9470*, creating the National Archives of the Philippines (NAP) in order to strengthen the government's system of records management and archive administration.

Regrettably, in the years since the law has been enacted, it has become apparent that there are several areas of implementation that fail to reach its goals. For one, government agencies have treated the NAP as subordinate with respect to records management, failing or outright refusing to comply with the guidelines for records management set by the NAP and often treating it merely as a dumping ground for

unwanted files. For another, there are issues in jurisdiction among the NAP and the other historical and cultural agencies that have not been clarified in any law or charter that are the cause of continuing disagreement. Finally, attempts by the NAP to innovate or introduce new programs to safeguard our history have not been granted the support such measures should warrant. For these and many other reasons, a revision of the law is necessary.

In line with this, this measure seeks to establish an enhanced agency to lead government with respect to records management and archive administration. The National Archives and Records Management Authority (NARMA) will address all the issues encountered in the application of *R.A. 9470* and shall also have greater power and flexibility to address any unexpected issues that may arise in the future.

The National Archives of the Philippines has the distinction – and burden – of having the largest number of records kept in Southeast Asia: 60 million, spanning the centuries of Spanish rule, American colonization, Japanese occupation, and finally the years of the Republic. Despite this gargantuan responsibility, it has no permanent site, its facilities have twice been burned in the last decade, and it has struggled to fulfill its mandate despite advances in modern technology. The National Archives of the Philippines merits far greater support and discretion than it has thus far received.

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



LOREN LEGARDDA