

SENATE

S. No. 39

RECEIVED

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

The provisions of the 1987 Philippine Constitution is a landmark in enshrining State policies on the promotion and preservation of arts and culture. Article XIV, Section 14 provided that *"the State shall foster the preservation, enrichment and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression."* Furthermore, Article XIV, Section 15 provides that *"Arts and letters shall enjoy the patronage of the State. As such, it shall conserve, promote and popularize the nation's cultural heritage and resources, as well as artistic creations."*

Our heritage needs to be preserved for all to share and benefit. Making the collection accessible to all people can be achieved by supplying footage and recordings for use in television and radio productions, through regular screenings of some of our country's greatest films, through innovative exhibitions, road shows, live presentations, educational programs, video and audio products.

A nation is defined by its history and culture. Our films and music reflect our history and culture. Our films and sounds mirror the soul of our nation. The images and sounds of film, television, radio and recording are a reflection of our culture and society. It reflects our dreams and history as a nation. Film and sound is culturally irreplaceable and can last a long time, especially in expert hands. Unfortunately, many of our great films of the past century have already been lost forever, torn, shredded or decayed beyond reclaim, or irretrievably disintegrated and destroyed.

This proposed measure is being submitted as an aegis to implement the above-cited Constitutional provisions. It seeks to establish a Philippine National Film and Sound Archive which shall preserve, conserve, restore and identify films and sounds/music that are historically, culturally, and aesthetically important to the Filipino identity. The proposed Philippine National Film and Sound Archive is envisioned to be the treasure house of our country's audio and visual history. The Archive is envisioned to preserve our country's moving images and sound recordings from the first film images of our young country to the modern classics. The proposed Philippine National Film and Sound Archive shall be responsible for acquiring, safeguarding, documenting and making films available to current and future generations for private study and public pleasure.

It is hoped that through this measure, classic films like the "Noli Me Tangere", "Ifugao", "Juan Tamad Goes to Congress", "Maynila sa mga KuKo ng Liwanag", "Insiang", "Oro, Plata, Mata", "Tinimbang Ka Ngunit Kulang", "Gengis Khan", and many other masterpieces be preserved and we will not be deprived of our cinematic patrimony.


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


MANUEL "LITO" M. LAPID
Senator

OFFICE OF THE CLERK
10 JUL -1 10:10

SENATE

S. No. 39

RECEIVED BY 

Introduced by Senator Manuel "Lito" M. Lapid

AN ACT
TO ESTABLISH THE PHILIPPINE NATIONAL FILM AND SOUND
ARCHIVE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES

SECTION 1. Short Title - This Act shall be known as the "*Philippine National Film and Sound Archive Act of 2010*".

SEC. 2. Declaration of Policy. — It is a declared policy of the State to collect, preserve and make available screen/video and sound materials relevant to arts and culture, and promote the preservation of screen/films and sound/music produced in the country. The State shall promote and support the preservation of film and music produced in the country as a medium for the upliftment of aesthetics, cultural and social values in order to promote better understanding and appreciation of the Filipino arts and culture.

Towards this end, the State shall create a national archive for film and sound which shall play a key role in documenting and interpreting the Filipino arts and experience in the field of film and music and proactively contribute to the development of the country's audiovisual industry.

SEC. 3. Establishment of the Philippine National Film and Sound Archive. — There is hereby established a national archive for film and sound/music in the country, constituted into a body corporate, by the name, style and title of "**Philippine National Film and Sound Archive**", to be known as the "**Archive**", with principal office in the Metro Manila area.

The Archive is envisioned to be the national audiovisual archive, playing a key role in documenting and interpreting the Filipino arts and experience in the field of film

and music and in actively contributing to the development of the country's audiovisual industry.

The Archive shall collect, store, preserve and make available screen/video and sound materials relevant to arts and culture in the country. It shall serve as a storehouse in the preservation, presentation and development of screen/films and sound/music produced in the country. The National Collection of the Archive shall include discs, films, videos, audio tapes, phonograph cylinders, wire recordings, supporting documents, artifacts, photographic stills, transparencies, lobby cards, publicity, scripts, costumes, props, memorabilia and sound, video and film equipment.

The Archive shall make this national collection available to the people and to foster in them an appreciation of the role played by broadcast media and film industry in the creation and recording of our national culture and identity.

SEC. 4. Purpose and Objectives. – The Philippine National Film and Sound Archive shall be instituted to serve the following objectives and purposes, namely:

a) to maintain, develop and manage a national collection of moving image and recorded sound material, including a collection of documents and artifacts relating to the creation and distribution of audiovisual works for the use and appreciation of the present and future generation of this country;

b) to preserve , and ensure the permanence of, the national collection of moving image and recorded sound works and related materials for the benefit of posterity and in the national interest;

c) to make the national collection accessible to the widest possible audience in the country and internationally, according to adopted best practice curatorial principles;

d) to present the history, art, technology and culture of moving image and recorded sound through a diversity of programs, including the exhibition of moving image and recorded sound works; scholarly study of moving image and recorded sound; interpretation of audiovisual works; engagement between the creators and their public;

e) to support and promote greater understanding and awareness of indigenous Filipino films and sounds through local and international promotions;

f) to provide financial assistance through grant-in-aid and sponsor programs for the preservation and further enhancement of Filipino films and sounds;

g) to coordinate with other agencies in the government which perform functions related to culture, arts, music, sound, video and films;

- h) to promote a continuing program of research and development (R&D) on Filipino sounds and films, and disseminate the same through information, education and communication (IEC) campaigns;
- i) to serve as an authoritative source of information relating to indigenous Filipino sounds and films;
- j) to act as trustee of films and sounds and related materials and other property vested in the *Philippine National Film and Sound Archive*; and
- k) to charge reasonable fees and charges for the services performed by the Archive.

In performing its functions, the Archive shall place an emphasis on the historical and cultural significance of indigenous films and sounds, and its related material; use every endeavor to make the most advantageous use of the national collection in the national interest; apply the highest curatorial standards and best practice; and promote the efficient, effective and ethical use of public resources.

SEC. 5. Powers and Functions. - The Philippine National Film and Sound Archive (PNFSA) shall have all legal powers appertaining to a juridical person, particularly the following power:

- a) to sue and be sued;
- b) to contract and be contracted with;
- c) to hold real and personal property as may be necessary for corporate purposes;
- d) to mortgage, lease, sell, transfer, convey and otherwise dispose of the same;
- e) to solicit and receive public and private donations and contributions;
- f) to accept and receive real and personal property by gift, devise or bequest;
- g) to levy and collect reasonable fees and dues for its services;
- h) to adopt a seal and to alter the same at pleasure;
- i) to have offices and conduct its affairs in the Metro Manila area and other regional offices;
- j) to make and adopt by-laws, rules and regulations consistent with the laws of the Philippines; and
- k) to do all such acts and things as may be necessary or proper to carry into effect and promote the purposes for which it was organized.

The seal and emblem of the Philippine National Film and Sound Archive shall be kept in its national office.

SEC. 6. Board of Directors of the Philippine National Film and Sound Archive. - The Philippine National Film and Sound Archive shall be governed and its assets, operations and activities be directed, controlled and managed by a Board of Directors, hereinafter referred to as the Board, composed of nine (9) members.

SEC. 7. Composition of the Board of Directors. - The plans and programs of the Archive shall be reviewed by the Board of Directors composed of:

- 1) The Secretary of the Department of Education as Chairman of the Board;
- 2) The Chairman of the Film Development Council of the Philippines, as Co-Chairman;
- 3) The Commissioner of the Commission on Higher Education, as member;
- 4) The Chairman of the National Commission of Culture and the Arts, as member;
- 5) The Chairman of the Movie and Television Review and Classification Board (MTRCB), as member;
- 6) (One) 1 representative from the Metro Manila Film Festival as member;
- 7) (One) 1 representative from the Academe Sector engaged in the field of film and music;
- 8) (One) 1 representative from the local film industry;
- 9) (One) 1 representative from the local music industry.

The three (3) members of the Board of Directors coming from the representatives of the academe sector, film industry and music industry shall be appointed by the President of the Philippines, from a list of three (3) nominees from each sector, who shall serve for a term of three (3) years, and renewable for another term: *Provided*, That the person appointed shall be of good moral character, of unquestionable integrity, and with expertise and experience of a least six (6) years in their respective sector: *Provided, further*, That in the event of a vacancy, the successor appointed to fill the same shall serve only the unexpired portion of the term of the member he/she succeeded.

The members of the Board of Directors from the government agencies and institutions may designate their permanent representatives who shall have a rank not lower than an assistant secretary or its equivalent to attend meetings.

All members of the Board of Directors shall receive emoluments as may be determined by the Archive, in accordance with existing budget and accounting rules and regulations.

SEC. 8. Meetings. – The Board of Directors of the Philippine National Film and Sound Archive shall meet at least once (1) a month upon a three-day notice signed by the Chairperson or as often as necessary upon the written request signed by two-thirds (2/3) of its members.

Subject to the provisions of existing laws, the Board may establish guidelines and procedures in the conduct of its meeting and deliberations.

The Board is hereby mandated to keep a record of its deliberations and decisions in accordance with the provisions of this Act.

SEC. 9. Quorum. - The presence of at least five (5) members of the Board shall constitute a quorum: *Provided, however,* That the Chairman, in his/her absence, the Vice Chairman, shall preside.

SEC. 10. Functions of the Board of Directors. - The Board is responsible for ensuring the proper and efficient performance of the National Film and Sound Archive's functions.

The Philippine National Film and Sound Archive Board shall have the following functions:

- a) To approve the program of activities of the Archive;
- b) To approve the proposed annual budget of the Archive;
- c) To approve the pertinent procedures and standards that will be implemented by the Archive in preserving and collecting films and sounds for the national databank;
- d) To do all things necessary or convenient to be done for or in connection with the performance of its duties.

SEC. 11. Corporate Plan of the Archive. - The Board shall prepare a Corporate Plan for the Philippine National Film and Sound Archive at least once a year. The Corporate Plan must include in details the following matters:

- (a) a statement of the strategic objectives that the Archive will pursue;
- (b) the strategies and policies that the Archive will adopt to achieve their strategic objectives;
- (c) the performance indicators for the assessment of the Archive's performance of its functions;

- (d) the financial targets and projections of the Archive;
- (e) an analysis of factors likely to affect achievement of targets or create significant financial risk for the Archive;

SEC. 12. *Archive Secretariat and Administrator.* - The Philippine National Film and Sound Archive shall establish a Secretariat which shall serve as the technical support staff to effectively implement the provisions of this Act.

The daily operations of the Philippine National Film and Sound Archive shall be headed by an Archive Administrator who shall be appointed by the President of the Philippines for a fixed term of six (6) years unless sooner removed for cause. He/she may be reappointed for another term of six (6) years: *Provided*, That no individual shall be reappointed as Administrator of the Archive more than once.

In the event of death, resignation, or removal of the Administrator of the Archive during his/her term of office, his/her successor shall only serve the remaining term of the deceased, resigned, or removed Administrator.

The Archive Administrator shall be responsible for the day-to-day operations of the Archive. He/she shall be responsible for the planning, implementation, monitoring and supervision of the Archive's program and projects. The Archive Administrator shall implement the decisions and policies approved by the Board.

The Archive Administrator is mandated to submit a written statement to the Board of all material personal interests that he/she may have acquired that shall conflict or could conflict with the proper performance of the his/her duties.

The Archive Administrator shall possess the following qualifications:

- a. Must not be a Filipino citizen;
- b. Must have a substantial and relevant education and experience in the field of films and/or music industry for at least six (6) years; and
- c. Must be of good moral character and has not been involved in a legal case involving moral turpitude.

All other officers and employees of the Archive shall be appointed by the Archive Administrator, as approved by the Board, consistent with the provisions of the Civil Service laws, rules and regulations.

The Philippine National Film and Sound Archive may engage the services of consultants to assist the Archive in the performance of its functions.

SEC. 13. *Access to the Film and Sound Archive.* – The Board of Directors of the Philippine National Film and Sound Archive shall promulgate the necessary rules and regulations rules for accessing films and sound in the archives by legitimate users

and may charge fees therefore: *Provided*, That copying or duplication shall not be allowed except with the written permission of the copyright holder.

SEC. 14. The Philippine National Film and Sound Archive is hereby authorized to plan, construct, develop, improve, acquire, or lease buildings, and other facilities, to purchase machineries, equipment, materials and supplies as may be necessary to carry out its functions and objectives.

Moreover, the Archive shall enjoy exemption from taxes and other duties in the importation of such machineries and equipment, subject to the provisions of the Tariff and Customs Code, the National Internal Revenue Code and the provisions on Automatic Appropriations under the *General Appropriations Act*.

SEC. 15. *Appropriation.* - The amount of Fifty Million Pesos (Php50,000,000.00) is hereby authorized to be appropriated from the Special Activities Fund of the President of the Republic of the Philippines, or from any other sources that may be identified for the purpose. Thereafter, such sum required for its operation, maintenance, research, development and extension activities shall be included in the annual *General Appropriations Act*.

SEC. 16. *Revolving Fund.* - Any and all savings and income of the Philippine National Film and Sound Archive shall constitute a revolving fund which shall not be reverted to the General Fund and which shall be used by the Archive in the furtherance of its goals and objectives.

SEC. 17. *Annual Report to Congress.* - The Philippine National Film and Sound Archive is hereby mandated to submit to both Houses of Congress an Annual Report of the accomplishments of the Archive consistent with the provisions of this Act. The annual report on the Archive shall include a detailed report on the financial utilization and disposition of the resources allocated and entrusted to the Archive.

SEC. 18. *Implementing Rules and Regulations (IRR).* - Within six (6) months after the effectivity of this Act, the Film Development Council of the Philippines, in coordination with the Film Academy of the Philippines, National Commission on Culture and the Arts, the Cultural Center of the Philippines, respected academic communities, historians and film critics and students, shall jointly prepare the implementing rules and regulations to implement the provisions of this Act.

SEC. 19. *Repealing Clause.* - All laws, decrees, executive orders, rules and

regulations or parts thereof not consistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 20. Separability Clause. - If any provision or part of this Act, or the application thereof to any person or circumstance, is held unconstitutional or invalid, the remainder of this Act shall not be affected thereby.

SEC. 21. Effectivity Clause. - This Act shall take effect fifteen (15) days from the date of its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,