

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

EIGHTEENTH CONGRESS  
Second Regular Session

House Bill No. 7563



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Introduced by Hon. Christopher V.P. de Venecia, Hon. Loren Legarda, Hon. Evelina G. Escudero, Hon. Rose Marie “Baby” J. Arenas, Hon. Deogracias Victor “DV” B. Savellano, Hon. Manuel T. Sagarbarria, Hon. Victor Yap, Hon. Vilma Santos-Recto, Hon. Sol Aragones, Hon. Lucy Torres-Gomez, Hon. Strike B. Revilla, Hon. Roman T. Romulo, Hon. Weslie Gatchalian, Hon. Sharon S. Garin, Hon. Ann K. Hofer, Hon. Rosanna “Ria” V. Vergara, Hon. Marlyn “Len” B. Alonte, Hon. Cristal L. Bagatsing, Hon. Lianda B. Bolilia, Hon. Juan Miguel M. Arroyo, Hon. Camille A. Villar, Hon. Kristine Singson-Meehan, Hon. Jose L. Atienza Jr., Hon. Alfred D. Vargas, Hon. Edward Vera Perez Maceda, and Hon. Francisco “Kiko” B. Benitez

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**AN ACT CREATING THE MUSIC DEVELOPMENT COUNCIL OF THE PHILIPPINES,  
DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR,  
AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Filipino music permeates the Filipino way of life and culture like no other form of artistic expression. Our daily lives are not complete without music whether you’re hearing it on Spotify during your daily run or workout, from the blaring speakers of a speeding jeepney, at work or while enduring traffic on your daily commute, or just plain enjoyment of soulful Pinoy music. Music, more importantly, is the solid foundation on which other forms of Philippine art are built upon, like film, dance, theater, and the performing arts.

No less than the 1987 Philippine Constitution mandates that arts and culture shall enjoy the patronage of the State and to this end, the State shall conserve, promote and popularize the nation’s historical and cultural heritage and resources, as well as artistic creations. One of the most enduring and most pervasive forms of Philippine art is our own brand of beautiful original Filipino music.

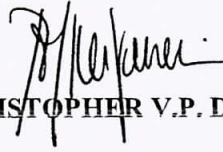
Filipino music dates back all the way to our native ancestry when folk tunes like the Himig Iloko and Nicanor Abelardo’s lyrical kundiman held space in our culture and creative consciousness. The advent of Western and foreign influence to our local music scene as characterized by the rock and roll disco days of the 60s and 70s paved the way to the resurgence of Original Pilipino Music in the 80s and in the 90s, or OPM as we know it today.

Despite having lost billions in both actual and projected income because of the cancellation of mass gatherings and performances due to CoVid-19, musical artists and other workers and stakeholders in the Philippine music industry came together to raise funds for PPEs for our medical front-liners, feeding programs for Metro Manila’s urban poor, and displaced workers in the music industry while providing entertainment to everyone during the community quarantine.

During these turbulent times, we have seen how Filipino music and musical artists have been instrumental to our survival.

Pursuant to the Philippine state policy to promote and develop the music industry and to safeguard the rights and welfare of artists and its other stakeholders, and the constitutional guarantee of freedom of expression and mandate to protect and promote the country’s artistic and cultural wealth, this bill seeks to create the Music Development Council of the Philippines to help pump-prime its contributions to our cultural landscape, nation-building, and to our economy.

The approval of this proposed measure is earnestly sought.




HON. CHRISTOPHER V.P. DE VENECIA



HON. LOREN LEGARDA



HON. EVELINA G. ESCUDERO



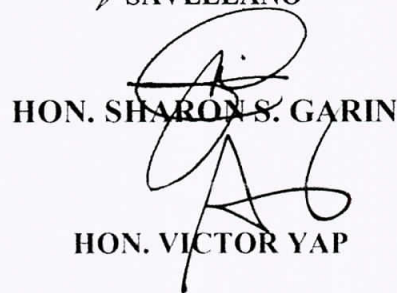
HON. ROSE MARIE "BABY" J. ARENAS



HON. DEOGRACIAS VICTOR "DV" B. SAVELLANO



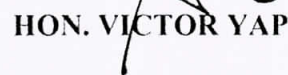
HON. VILMA SANTOS-RECTO



HON. SHARON S. GARIN



HON. MANUEL T. SAGARBARRIA



HON. VICTOR YAP



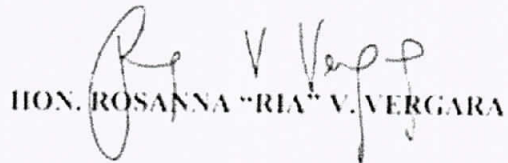
HON. LUCY TORRES GOMEZ



HON. ANN K. HOFER



HON. STRIKE B. REVILLA



HON. ROSANNA "RIA" V. VERGARA



HON. CRISTALLIA BAGATSING



HON. ROMAN T. ROMULO



HON. WESLIE GATCHALIAN




HON. SOL ARAGONES



HON. KRISTINE SINGSON-MEEHAN



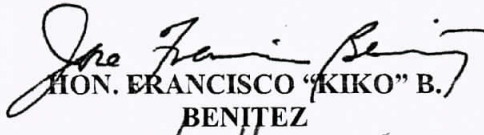
HON. MARLYN "LEN" B. ALONTE



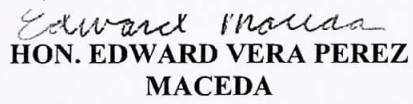
HON. JUAN MIGUEL M. ARROYO



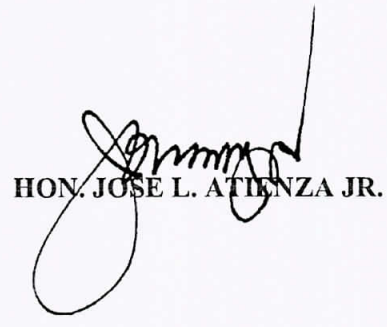
HON. CAMILLE A. VILLAR

  
HON. FRANCISCO "KIKO" B.  
BENITEZ

  
HON. ALFRED D. VARGAS

  
HON. EDWARD VERA PEREZ  
MACEDA

  
HON. LIANA B. BOLILIA

  
HON. JOSE L. ATIENZA JR.

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

**CHAPTER I**  
**GENERAL PROVISIONS**

**SECTION 1.** *Title.* - This Act shall be known as the “*Philippine Music Industry Act of 2020.*”

**SECTION 2.** *Declaration of State Policy.* – Pursuant to the constitutional guarantee of freedom of expression and protection and promotion of the Philippine musical heritage under the 1987 Constitution, it is hereby declared the policy of the State to recognize, protect and promote the country’s artistic and cultural heritage as expressed in all forms/types of music and protect the rights of the artists in the Philippine musical industry.

**CHAPTER II**  
**CREATION AND ORGANIZATION**

**SECTION 3.** *Creation of the Music Development Council of the Philippines.* To carry out the provisions of this Act, there is hereby created a Music Development Council of the Philippines, hereinafter referred to as Council, which will be lodged under the Office of the President.

**SECTION 4.** *Powers and Functions of the Council.* - The Council shall have the following powers and functions:

1. To craft and spearhead the implementation of a National Music Industry Development Plan and work for its adoption and implementation by the Council as well as appropriate government agencies;
2. To encourage and undertake activities that actively promote the development of the Philippine music industry as a whole and promote its participation in both local and international markets;

3. To develop and promote programs to enhance the talents and skills of artists and various stakeholders such as but not limited to music theory, composition, sound production, and engineering, as well as financial literacy and business and marketing capability of Filipino artists;
4. To work alongside the Department of Education in improving the state and quality of music education in the Philippines as part of MAPEH (Music, Art, Physical Education, and Health) in the K-12 system
5. To establish and maintain a registry of music schools or similar institutions that provide musical instruction in the country;
6. To establish, organize, operate, maintain local and international music festivals, exhibitions and other similar activities that will showcase and promote Filipino music;
7. To link up with UNESCO's Creative Cities Network and help usher UNESCO Creative Cities of Music in the Philippines;
8. To enhance the monitoring and implementation of the Intellectual Property Code with regards to the protection of the works of Filipino artists;
9. To establish and maintain baseline data with regards to the various segments of the music industry, such as but not limited to, job generation, revenue generation from sources including but not limited to domestic and export licensing, in partnership with the DOF, DTI, and NEDA;
10. To work with the National Commission on Indigenous Peoples (NCIP) on establishing and maintaining a national indigenous peoples' music database;
11. To work with the National Commission for Culture and the Arts (NCCA) and the National Commission on Indigenous Peoples (NCIP) on the preservation of musical traditions in the Philippines;
12. To work alongside the Department of Labor and Employment (DOLE) and the Department Foreign Affairs (DFA) as well as other pertinent agencies in generating employment for artists both locally and abroad;
13. To promote and industrialize the local production of musical instruments;
14. To work alongside the Department of Science and Technology (DOST) and the NCIP to preserve, promote and industrialize the creation of indigenous musical instruments such as but not limited to the *kudyapi*, *kubing*, *kulintang*, *gabbang*, *gangsa*;
15. To provide technical assistance to local government units in organizing their own music festivals or activities that hinge upon Filipino music;
16. To prescribe the procedures for the exercise of its powers and functions as well as the performance of the Council's duties and responsibilities;
17. To determine the Council's organizational structure and staffing pattern;
18. To select and appoint officers and employees of the Council in accordance with Civil Service laws, rules and regulations;
19. To acquire, manage and hold such real and personal property as may be necessary to carry out the purposes and objectives of this Act;
20. To invest funds and other assets in such activities or undertakings that shall directly and indirectly promote development of the Philippine music industry, including the recognition and

protection of rights of industry workers and other stakeholders, including the intellectual property rights to all creations, and other rights and conditions as may be covered by this Act; and

21. To perform such other functions as may be necessary to carry out the provisions of this Act.

**SECTION 5. *The Organizational Structure of the Council.*** - The Council shall be composed of the following members:

*A. The Chairperson of the Council.* - The Chairperson shall be the head of the Council and its Chief Executive Officer, who shall ensure overall administrative supervision to ensure the effective and efficient implementation of the policies laid down by the Council. The Chairperson, who shall have the rank and salary of an *Undersecretary* of a Department as provided for in the Salary Standardization Law, must possess the following qualifications:

- i. The Chairperson shall have worked in the music industry for at least ten (10) years and be a person who possesses sound technical and administrative proficiency;
- ii. The Chairperson should be knowledgeable of the technical and artistic aspects of any one or more forms of music as a formal discipline, or of the business aspects of music as an industry;
- iii. The Chairperson shall demonstrate integrity, independence, and have good moral character; and
- iv. The Chairperson should be fully committed to the growth and development of Philippine music as an art and of Philippine music as an industry, as well as advancing the objectives and goals of this Council.

*B. Role and Functions of the Chairperson.* - The Chairperson shall have the following functions:

- i. Execute and administer the policies, plans and programs approved by the Council;
- ii. Direct and supervise the operations and internal affairs of the Council;
- iii. Establish the internal organization and administrative procedures of the Council;
- iv. Recommend to the Council the appointment, transfer or detail, suspension, dismissal for cause of its officials and employees; and
- v. Perform such other functions which the Council may assign.

*C. The Council.* - The Council shall have eleven (11) members, five of whom shall be appointed regular members, while the other six shall be appointed in an *ex-officio* capacity;

- i. *Regular Members of the Council.* - The five (5) regular members of this Council shall be as follows:
  - 1) A duly authorized representative from a legally constituted musical artists' association;
  - 2) A duly authorized representative from a legally constituted music producers' association;
  - 3) A duly authorized representative from a legally constituted musical

performers' association;

4) A duly authorized representative from a legally constituted music composers' association

5) A duly authorized representative from the academe.

ii. *Ex-Officio Members of the Council* . - The six (6) members who shall be ex-officio members of the Council are the following:

1) The Secretary of the National Economic Development Authority or his/her duly designated representative;

2) The Secretary of the Department of Trade and Industry or his/her duly designated representative;

3) The Secretary of the Department of Labor and Employment or his/her duly designated representative;

4) The Secretary of the Department of Foreign Affairs or his/her duly designated representative;

5) The Secretary of the Department of Education or his/her duly designated representative;

6) The Chairperson of the National Commission for Culture and Arts, or the Head of the National Subcommittee on Music under the Subcommittee on the Arts.

*D. Selection and Appointment of Chairperson and Regular Members.* The Chairperson and the regular members of the Council shall be selected and appointed by the President from a shortlist submitted by an ad hoc selection committee formed by the President for the purpose of selecting the Chairperson and the regular members of the council.

The ad hoc committee shall be composed of select members and duly authorized representatives of the musical artists' association, the musical producers' association and representatives from the academe, preferably from conservatories of music in the Philippines.

**SECTION 6. *Term of Office.*** - The Chairperson and the three (3) regular members shall hold office for a term of three (3) years unless sooner removed by the President; *Provided*, That they shall be eligible for reappointment after the expiration of their respective terms: *Provided, further*, that no Chairperson or member shall serve for more than two (2) consecutive terms. If the Chairperson or any of the members fail to complete his/her term, the person appointed to fill the vacancy shall serve only for the unexpired portion of the vacated term whom s/he succeeded; *Provided, finally*, That such service of the unexpired portion shall not be counted as a term.

**SECTION 7. *Schedule of Regular Council Meetings.*** - The Council shall meet at least once a month or as often as necessary at the call of the Chairperson or a majority of the members of the Council. A majority of the members of the Council shall constitute a quorum to do business. The members of the Council shall be entitled to honoraria based on existing government accounting and auditing rules and regulations.

### **CHAPTER III OPM BROADCASTING REQUIREMENT**

**SECTION 8. *Obligations of Radio Stations.*** - All radio stations that have programs with a musical format shall broadcast a minimum of four (4) original Pilipino musical compositions in every clock hour of a program with a musical format or shall cumulatively broadcast original Pilipino musical compositions for at least twenty percent (20%) of the total number of minutes dedicated to programs with a musical format per day, whichever is applicable. For purposes of this section, "original Pilipino musical composition" shall refer to any musical composition created by a Filipino, whether the lyrics be in Filipino, English or in any other language or dialect.

**SECTION 9. *Obligations of Television Stations.***- All television stations that have programs with a musical format shall broadcast a minimum of four (4) original Pilipino musical compositions in every clock hour of a program with a musical format or shall cumulatively broadcast original Pilipino musical compositions for at least twenty percent (20%) of the total number of minutes dedicated to programs with a musical format per day, whichever is applicable. For purposes of this section, "original Pilipino musical composition" shall refer to any musical composition created by a Filipino, whether the lyrics be in Filipino, English or in any other language or dialect.

**SECTION 10. *Exception*** – Sections 8 and 9 of this Act shall not apply when the radio station or TV station program substantially devotes its broadcast within the clock hour to a live event that is of national or local significance or is sanctioned by the Philippine government.

**SECTION 11. *Penalty*** - Any franchise holder or operator of a radio station or television station which fails to broadcast the minimum number of original Pilipino musical compositions in every clock hour of a program with a musical format shall be fined in the amount of P5,000.00 per violation. The National Telecommunications Commission may, after due hearing, suspend or cancel the Certificate of Registration and Authority to operate of any radio station in the event of repeated violations of this Executive Order or its implementing rules and regulations.

#### **CHAPTER IV MISCELLANEOUS PROVISIONS**

**SECTION 12. *Authority to Accept Donations.*** - The Council may accept donations, contributions, grants, bequests or gifts, in cash or in kind, from various sources, domestic or foreign, except from producers and distributors for purposes relevant to the functions of the Council. Said donations shall be deemed automatically appropriated for purposes specified by the donor or in the absence thereof, for the programs and projects as may be approved by the Council subject to the usual auditing rules and regulations: *Provided* , That cash donations shall not be used to fund the personal services requirements of the Council. Any donation, contribution, subsidy or financial aid which may be made to the Council shall be exempt from taxes of any kind and shall constitute allowable deductions in full from the income of the donors or contributors for income tax purposes.

**SECTION 13. *Relationship with Other Government Agencies.*** - The Council may request any department, bureau, office, agency, or instrumentality of the government for such assistance as may be needed in the performance of its functions.

**SECTION 14. *Data Privacy Protection.*** - No provisions of this Act shall be in violation of the provisions of Republic Act No. 10173 or the "*Data Privacy Act of 2012.*"

**SECTION 15. *Appropriations.*** - The amount of One Hundred Fifty Million Pesos (Php150,000,000.00) is appropriated to finance the operations of the Council for the first year out of the funds of the National Treasury not otherwise appropriated. Thereafter, such amounts as may be necessary and sufficient to finance its operations and activities shall be included in the General Appropriations Act.

**SECTION 16. *Annual Report.*** - The Council shall, within ninety (90) days after the end of every fiscal year, submit to the President and to Congress, an annual report on its compliance with, or accomplishments under this Act, together with its plans and recommendations to improve and develop its capability to enforce the provisions of this Act, and a complete accounting of transactions with respect to any funds received under this Act.

**CHAPTER V**  
**FINAL PROVISIONS**

**SECTION 17 .*Implementing Rules and Regulations.***- The Council shall issue the necessary rules and regulations to implement the provisions hereof.

**SECTION 18. *Repealing Clause.*** - All laws decrees, orders, issuances, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

**SECTION 19. *Separability Clause.***- If any provision of this Act is declared unconstitutional or invalid, the remainder of the provisions thereof not affected shall remain in force and effect.

**SECTION 20. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

*Approved,*