

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

EIGHTEENTH CONGRESS  
Second Regular Session

House Bill No. 7757



INTRODUCED BY

HON. CHRISTOPHER V.P. DE VENECIA, HON. FRANCISCO "KIKO" B. BENITEZ, HON. KRISTINE SINGSON-MEEHAN, HON. CRISTAL L. BAGATSING, HON. LOREN LEGARDA, HON. EVELINA G. ESCUDERO, HON. VILMA SANTOS-RECTO, HON. DAN S. FERNANDEZ, HON. ROSE MARIE "BABY" J. ARENAS, HON. DEOGRACIAS VICTOR "DV" B. SAVELLANO, HON. MANUEL T. SAGARBARRIA, HON. VICTOR YAP, HON. SOL ARAGONES, HON. LIANDA B. BOLILIA, HON. STRIKE B. REVILLA, HON. ANN K. HOFER, HON. ROSANNA "RIA" V. VERGARA, HON. LUCY TORRES-GOMEZ, HON. WESLIE GATCHALIAN, HON. GERALDINE B. ROMAN, HON. RUFUS B. RODRIGUEZ, HON. JUAN MIGUEL MACAPAGAL ARROYO, HON. SHARON S. GARIN, HON. JERICHO JONAS B. NOGRALES, HON. JOEY SARTE SALCEDA, HON. MARLYN "LEN" B. ALONTE, HON. STELLA LUZ A. QUIMBO, HON. ALFRED D. VARGAS, HON. JOSE L. ATIENZA JR., HON. JOHN MARVIN "YUL SERVO" C. NIETO, HON. SHAREE ANN TAN, HON. JOSE ENRIQUE "JOET" S. GARCIA III, HON. FLORIDA "RIDA" P. ROBES, HON. EDWARD VERA PEREZ MACEDA, HON. ANGELICA NATASHA CO, HON. JOSE CHRISTOPHER Y. BELMONTE, HON. JOY MYRA S. TAMBUNTING, HON. LORENZ R. DEFENSOR

AN ACT

STRENGTHENING THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS, ITS COMPOSITION, FUNCTIONS, POWERS, AND MANDATE, AND FOR OTHER PURPOSES.

EXPLANATORY NOTE


The National Commission for Culture and the Arts (NCCA) is the overall policy-making, coordinating, implementing and grants-giving government body for the preservation, development and promotion of Philippine culture, arts and heritage.

In line with the Duterte administration's 10-point socioeconomic agenda, which includes among others the promotion of "science, technology, and the **creative arts** to enhance innovation and creative capacity [of Filipinos] towards self-sustaining, inclusive development," and the shifting cultural landscape vis-à-vis the charter of the NCCA which was institutionalized back in 1992, there is a need to revisit Republic Act No. 7356 in order to 1) refresh, strengthen, and empower the commission through the enhancement of its mandate, powers, and functions; 2) improve and reorganize the NCCA to become more responsive in the implementation of its cultural, heritage, and creative arts programs; and 3) provide support to the development of creative arts industries as part of its overall cultural framework.

For the above cited reasons, the passage of the bill is urgently sought.



HON. CHRISTOPHER V.P. DE VENECIA



HON. FRANCISCO "KIKO" B. BENITEZ



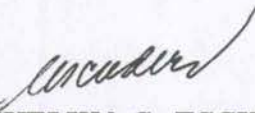
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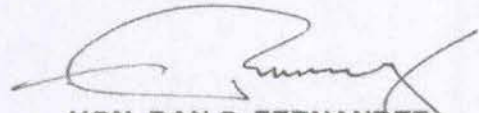
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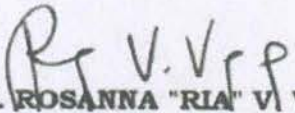
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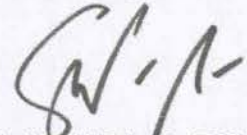
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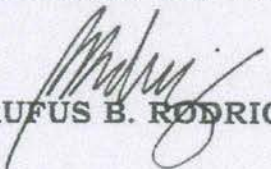
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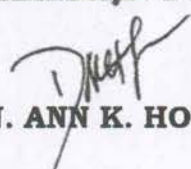
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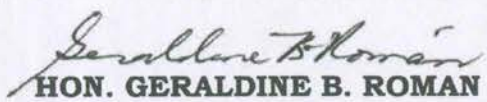
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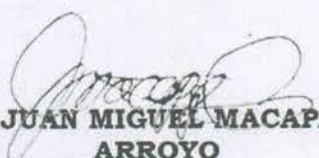
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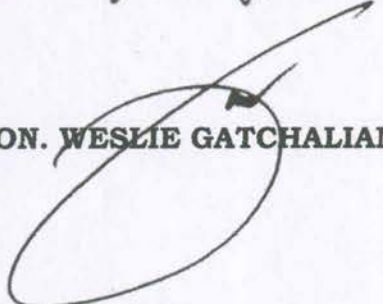
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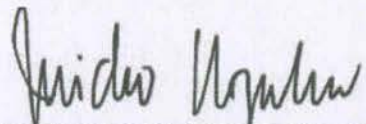
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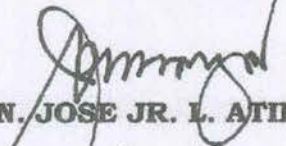
  
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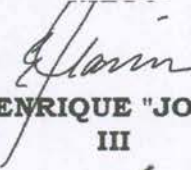
  
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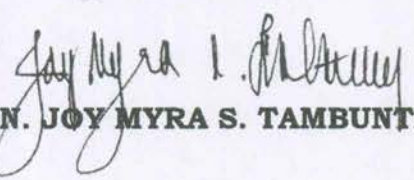
  
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AN ACT

STRENGTHENING THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS, ITS COMPOSITION, FUNCTIONS, POWERS, AND MANDATE, AND FOR OTHER PURPOSES.

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

**SECTION 1. Short Title.** – This Act shall be known as the “National Commission for Culture and the Arts Act of 2020”

**ARTICLE I**  
**DECLARATION OF POLICY**

**SECTION 2. Declaration of Policy.** – It is the policy of the state to preserve and enrich the dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression. The State recognizes that culture, being a critical component in nation-building, is a unifying, humanizing, and modernizing instrument of any society, and the patrimony and right of every citizen of the Philippines. Thus, the State shall ensure that cultural education, as a right of every citizen, is inculcated in the development and education of all Filipinos.

The State shall recognize, respect, and protect the rights of Indigenous as well as Moro Cultural Communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies and ensure equal access to cultural opportunities through the educational system, public or private cultural entities, scholarships, grants and other incentives, and community cultural centers, and other public venues. Furthermore, the State shall promote the national language of the country while enhancing and respecting the linguistic diversity of the Philippines.

It is further declared the policy of the State that the arts and letters shall enjoy the patronage of the State, and shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations, the State shall secure and improve the welfare of Filipino artists and cultural workers and shall place any and all artistic and cultural works under the protection of the State which may regulate its disposition.

Towards this end, the state shall create a national body which shall develop, manage and be responsible for the implementation of policy, legislation and strategic direction for the protection, regulation, preservation, development, management, dissemination and promotion of the country's culture, relative to the immense national resources, patrimony and wealth engendered and amassed through countless generations and centuries of distinctive Filipino ways of life and experiences in specific natural and social environments that this represents, and to facilitate the convergence of various agencies with cultural mandates and rationalize their organizations and functions.

In view of the foregoing, the government shall also incorporate considerations of culture in the formulation of appropriate and significant political and economic policy that will better serve Filipinos and ensure that all Filipinos enjoy full cultural rights, take full advantage of a dynamic cultural experience, and be inspired, sustained by, draw from, contribute to, and celebrate the country's culture.

**SECTION 3. Definition of Terms.** – For purposes of this Act, the following terms shall be defined as follow:

- a) **“Conservation”** shall refer to all process and measures of maintaining the cultural significance of a cultural property, including but not limited to, preservation, restoration, reconstruction, protection, adaptive re-use or any combination thereof.
- b) **“Creative Art”** shall refer to the expression or application of human creative skill and imagination situated within society and history. Creative Arts include, but is not limited to visual arts, performing arts, music, literature, design, architecture, film and video, TV and radio, crafts, and advertising.
- c) **“Culture”** shall refer to the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, that encompasses, not only art and literature, but lifestyles, ways of living together, value systems, traditions and beliefs.<sup>1</sup>

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<sup>1</sup> Derived from the 2001 UNESCO definition of “Culture”

- d) **“Creative Arts Agencies”** shall refer to any of the following national government agencies within their specific areas of responsibility: Film Development Council of the Philippines, National Book Development Board, and National Council for Children’s Television, and other agencies which may be established in the future, as attached to the National Commission for the Culture and the Arts, which may have significant relation to Filipino creative arts.
- e) **“Cultural Agencies”** shall refer to any of the following national government agencies with their specific areas of responsibility: Cultural Center of the Philippines, Komisyon sa Wikang Filipino, National Museum of the Philippines, the National Library of the Philippines, National Historical Commission of the Philippines, the National Archives of the Philippines and other agencies which may be established in the future, as attached to the National Commission for Culture and the Arts, which may have significant relation to Filipino culture and the arts.
- f) **“Cultural and Natural Heritage”** shall refer to works of man or the combined works of nature and man. It is the totality of cultural property preserved and developed through time and passed on to posterity. It includes archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.
- g) **“Cultural Education”** shall refer to the teaching and learning of cultural concepts and processes. Teaching may be in formal and informal set-up.
- h) **“Cultural Workers”** shall refer to arts and culture practitioners whose practice may include but not be limited to coordination, management, research, scholarly work, training, education and advocacy work and has holistic view on cultural work. <sup>2</sup>
- i) **“Cultural Property”** shall refer to all natural or human creativity products by which people and nation reveal their identity, including architecture and sites or human activities and natural history specimens and sites, whether public or privately owned, movable or immovable, and tangible or intangible.
- j) **“Grant”** shall refer to a financial assistance/award given to eligible individuals and organizations whose project proposals were selected through a rigorous evaluation process based on merit such as quality and relevance to the priorities of the grant-giving agency.
- k) **“History”** shall refer to a written record of past events relating to Philippine history.
- l) **“Intangible Cultural Heritage”** shall refer to practices, representations, expressions, knowledge, skills, as well as instruments, objects and artifacts associated therewith, that communities, groups and individuals recognize as part of their cultural heritage.

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<sup>2</sup> Being a cultural worker especially in the 80s and 90s had connotations that services are rendered voluntarily. Though this changed, commitment to cultural work is at the core of a cultural worker. The term was coined in the 80s when the social and political condition had prompted the artists to do beyond the confines of their art practice.

**ARTICLE II**  
**THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS**

**SECTION 4. Mandates.** – The National Commission for Culture and the Arts is hereby strengthened and shall be the overall policy and plan formulator, coordinator, implementing and grants- giving agency for the preservation, safeguarding, conservation, regulation, management, development, and promotion of the Philippine culture, natural heritage, and creative arts.

In this regard, the Commission shall have the following mandates:

- A) To safeguard, develop, and promote Indigenous Cultural Communities and Moro culture and their various creative expressions;
- B) To conserve, safeguard, and develop the Filipino historical and cultural heritage;
- C) To preserve and to integrate traditional culture and its various creative expressions as a dynamic part of the national cultural mainstream;
- D) To protect and promote Filipino cultural and artistic expressions;
- E) To actively engage and support the development and promotion of the Philippine creative arts;
- F) To promote the welfare, ensure protection, and uphold the cultural and artistic and intellectual property rights of the artists, cultural workers, and the cultural and creative arts professionals;
- G) To nurture artistic excellence, recognize outstanding works and achievements, and ensure integrity of the creative outputs of artistic creators and cultural workers. To ensure the widest dissemination of the artistic and cultural products among the greatest number across the country and overseas.

**SECTION 5. Powers and Functions.** – To carry out its mandates the Commission shall exercise the following powers and functions:

- A) Establish and strengthen the national cultural database and statistics in aid of policy formulation and program development;
- B) Assume and exercise all existing regulatory and quasi-judicial functions established under Republic Act No. 10066, or “The National Cultural Heritage Act of 2009;” and, Republic Act No. 10086 or “Strengthening Peoples’ Nationalism Through Philippine History Act;” Republic Act No. 9105 or Art Forgery Act of 2001, all authority and responsibilities relative to National Cultural Treasures and Important Cultural Properties, as provided by Presidential Decree No. 260; Republic Act No. 4846 as amended by Presidential Decree 374 and Republic Act No. 8492; and all regulatory functions transferred to the National Commission for Culture and the Arts through Republic Act No. 11333 or “National Museum of the Philippines Act”;

- C) Support and monitor the development and promotion of the cultural, artistic and creative industries of the country;
- D) Provide administrative supervision to the Philippine High School for the Creative Arts System, in partnership with the Department of Education;
- E) Set-up a system of networking and coordination with and among all existing government agencies for the effective implementation of plans and strategies in compliance with this act;
- F) Coordinate with the local government units in their cultural planning and implementation as well as monitor their compliance to RA No. 10066;
- G) Exercise administrative supervision over the cultural agencies and devise cooperative and collaborative partnership in pursuit of the Commission's mandate and objectives;
- H) Coordinate with creative arts agencies and devise cooperative and collaborative partnerships in pursuit of the Commission's mandate and objectives.

**SECTION 6. Board of Trustees.** – The Commission shall be governed by a Board of Trustees, hereinafter referred to as the “Board”, which shall be composed of the following members:

- A) A Chairperson, who shall be the Chief Executive Officer of the Commission;
- B) An Undersecretary of the Department of Education;
- C) An Undersecretary of the Department of Tourism;
- D) An Undersecretary of the Department of Trade and Industry;
- E) An Undersecretary of the Department of Foreign Affairs;
- F) An Undersecretary of the Department of Labor and Employment (or the President of the Creative Economy Council of the Philippines);
- G) The Chairperson of the National Commission on Indigenous Peoples
- H) Six (6) cultural workers, professional artists, and creative industry practitioners from the private sector, representing each of the different general areas of:
  - a.) Cultural Heritage Preservation
  - b.) Cultural Communities
  - c.) Cultural Heritage Education
  - d.) Indigenous and Traditional Arts
  - e.) Performing, Literary, And Allied Arts
  - f.) Creative Industries

Provided that the six (6) representatives from the private sector shall have at least five (5) years' experience in their respective fields; provided further that at least three (3) will hail from the academe; and the other three (3) will be representatives from the business sector in their respective fields. All of whom are known to be persons of integrity and probity. They shall be appointed by the President from the list of recommendations of the Board. The members from said various sectors shall have a term of three (3) years, renewable for another three (3) years, and shall not be eligible for reappointment.

**SECTION 7. Powers and Functions of the Board of Trustees.** – The exercise of the corporate powers of the Commission is hereby vested exclusively in the Board of Trustees (the Board).

The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the board of directors of a corporation under Section 35 of Republic Act No. 11232, otherwise known as the Revised Corporation Code of the Philippines:

- a) Formulate, implement, monitor, and evaluate national policies, plans, programs, and guidelines for the protection, preservation, safeguarding, regulation, development, management, dissemination and promotion of culture and the arts to ensure overall consistency, effectiveness, efficiency, and conformity with the policies of the State articulated in the Constitution as well as in this Act and other pertinent laws and issuances;
- b) Strengthen and make visible and accessible the NCCA's services by establishing regional offices;
- c) Receive and accept donations and other conveyances including funds, materials, and services, by gratuitous title;
- d) Administer the endowment funds established under Section 20 of Republic Act No. 7356, The Law Creating the National Commission for culture and the Arts;" and Section 50 of Republic Act No. 10066, which are herein consolidated into a single National Endowment Fund for Culture and Arts (NEFCA) that shall continue to be sourced and augmented;
- e) Formulate policies and guidelines to ensure the efficient operation of the Metropolitan Theatre;
- f) Create Regional Culture and Arts Councils and/or advisory committees, as may be necessary, which shall provide expert and technical advice to the Commission;
- g) To formulate policies on personnel organization, appointment, promotion, retention/renewal of contracts, fixing of their compensations, subject to the Compensation and Position Classification System, removal for just cause, rewards, incentives and other conditions of employment for the members of the Secretariat;

- h) To approve appointments made and contracts entered into by the Chief Executive Officer in connection with the hiring and employment of the members of the Secretariat office.
- i) To receive, in trust, legacies, gifts, and donations of real and personal property of all kinds and to administer the same for the benefit of the Philippine culture and creative arts.
- j) To establish the criteria for the selection, qualification and conferral of awards on culture and arts, such as, but not limited to, the Order of National Artists, Order of National Living Treasures, National Cultural Heritage Award, Dangal ng Haraya, Ani ng Dangal and others as it may establish in support of its mandate;
- k) To enact rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the Commission; and
- l) To perform any and all other acts incident to or required by virtue of its creation or as may be assigned or transferred by the President of the Philippines in accordance with law

**SECTION 8. *Term of Office and Compensation.*** – The Chairperson, who shall also be the Chief Executive Officer as provided in Sec. 10 of this Act, shall be appointed by the President of the Philippines and shall serve for a term of six (6) years and may not be reappointed.

The Non-Ex-Officio members of the Commission shall likewise be appointed by the President of the Philippines and shall serve for a term of three (3) years, but shall not serve for more than two (2) consecutive terms.

Should the Chairperson and/or the non-ex-officio members fail to complete their respective terms, their successors shall only be appointed to serve the unexpired portion of the term. Provided, that such appointment shall not be considered as a full term.

The Chairperson shall have the same rank, salary, and privileges as those of a Department Secretary and shall be subject to the qualifications prescribed in this Act.

Non Ex-officio members of the Commission shall receive representation, travel and other allowances following the rates of a Salary Grade 10.

**SECTION 9. *Removal from Office.*** – The President, upon recommendation of the Board, may remove the Chairperson and the non-ex-officio members before the end of their respective terms, for cause and after observance of the proper due process required by pertinent laws.

**ARTICLE III**  
**THE ORGANIZATIONAL STRUCTURE OF THE COMMISSION**

**SECTION 10. *Head of Agency and Management of the Commission.*** – The Chairperson shall also be the Chief Executive Officer (CEO) of the Commission. The Chairperson shall be a natural-born citizen of the Republic of the Philippines, a person of proven administrative proficiency, independence, knowledgeable of the different aspects of Filipino culture and heritage and the creative arts. The Chairperson shall have at least ten (10) years of experience in Filipino culture and heritage and the creative arts, and must be fully committed to their promotion and development. As head of the Commission the Chairperson shall have administrative supervision and control over the members of the Secretariat and the safekeep of properties of the Commission.

**SECTION 11. *The Executive Director.*** – The Executive Director shall be responsible for the administrative and day-to-day operations of the Commission and shall have the same rank, salary and privileges as that of an Undersecretary and shall be appointed by the President upon recommendation of the Board; provided, no person shall be appointed as Executive Director unless he/she possesses the qualifications: a Filipino citizen, of good moral character and of unquestionable integrity, and a degree holder in public administration, management, culture and arts, or law: provided, further, that no member of the Board shall simultaneously serve as Executive Director.

The Executive Director shall be assisted by three (3) deputy executive directors, namely: Deputy Executive Director for Administration and Finance, Deputy Executive for Operations, and Deputy Executive Director for Policy and Legislative Affairs, and each shall have the same rank, salary and privileges as that of an Assistant Secretary and shall be appointed by the Board upon recommendation of the Executive Director with qualifications as prescribed by the Civil Service Commission (CSC).

The Deputy Executive Director for Operations shall be responsible for the supervision of the bureaus and regional offices while the Deputy Executive Director for Administration and Finance shall be responsive for all the staff offices and services of the Commission, and the Deputy Executive Director for Policy and Legislative Affairs shall be responsible for liaising with Congress and other policy-making bodies in the areas of policy.

**SECTION 12. *Bureaus.*** – The Bureaus of the Commission shall consist of the of the following:

A) Bureau of Human and Cultural Resource Development

- a. *Division on Artists and Cultural Workers' Rights and Welfare* – shall serve as the primary office responsible for the accreditation of artists, creative workers, guilds and other such organizations. It shall also endeavor to connect accredited entities with government programs such as but not limited to social protection, livelihood programs, capacity building programs, scholarships, grants, healthcare, marketing and promotional programs, and other programs.
- b. *Division on the Indigenous Cultural Communities and Moro People and their Culture* – shall safeguard, preserve and promote the Indigenous

and Moro cultural traditions and their arts, and ensure all research efforts, tourism programs, and other activities affecting these cultural communities are nurtured.

- c. *Awards and Recognition Division* – shall be responsible for extending recognition of outstanding achievements and initiatives through awards, grants and service to artists, cultural workers, creative industry professionals, groups and institutions which contribute significantly to Filipino's cultural legacy. It shall administer the various existing awards of the NCCA, including the National Performing Arts Companies Act. Further, it shall ensure the promotion of the awardees and the documentation, archiving and registry of their works and provide opportunities for transfer/ sharing of knowledge through arts residency programs and other mechanisms.

B) Bureau of Arts

- a. *Arts Division* – shall responsible for the continuing and balance development of various creative expressions to include but not limited to the following architecture and the allied arts, cinema and media arts, dance, dramatic arts, music, literary arts, visual arts, and culinary arts. Further, it shall provide opportunities of continued training of artists as well as development of audience and patronage for Filipino artists and their works.

C) Bureau of Cultural and Natural Heritage Properties

- a. *Cultural Properties Protection and Regulation Division* – shall enforce laws on the protection and regulation of cultural and natural heritage properties, facilitate the declaration of significant cultural and natural heritage properties, and regulate the use, exploration, movement, sale, or exportation of said properties.
- b. *Cultural and Natural Heritage Properties Registration Division* – shall be responsible for maintaining the Philippine Registry of Cultural and Natural Heritage Property established by virtue of Republic Act 10066 and in enforcing the provisions under Article V of the same law.
- c. *Intangible Cultural Heritage Safeguard Division* – shall identify, research, and document the intangible cultural heritage (ICH) of the country; Preserve and collate the information into the Philippine Registry of Cultural Property (PRECUP); Assist in the processing and facilitation of the declaration of significant intangible cultural properties in the national and international setting; Promote and ensure the continued safeguarding of ICH; Enhance the public's understanding and awareness of the country's ICH through programs and activities such as but not limited to lectures, exhibitions, seminars, demonstrations, workshops, and publications.

D) Bureau of Cultural Education and Promotion

- a. *Cultural Research and Education Division* – shall support and undertake scholarly research into and documentation of Philippine culture and the arts as well as the significant cultural movements as well as undertake a systematic collection of statistical and other data

which reflects the state of cultural conditions in the country to serve as essential quantitative and qualitative basis for formulating cultural policies, especially database and statistics of artists, cultural and creative industry professionals. Further, in coordination with Department of Education, Commission on Higher Education and the Technical Education and Skills Development Authority shall establish and develop an intensified arts education program at all levels of the educational system, public and private, to ensure meaningful arts, culture and creative industry integration across the school curriculum and provide all types of educational programs and activities.

- b. *Communications, Information and Promotion Division* – shall be in-charge of ensuring the widest dissemination of artistic and cultural products among the greatest number across the country and overseas; and promote the popularization of information about artistic and cultural achievements and programs.
- c. *Sentro Rizal and International Cultural Affairs Division* – shall be responsible for international cultural exchanges and promotions, liaison and cooperation with Ministries of Culture, international cultural agencies, organizations, and other representatives of foreign governments, including Philippine Foreign Service Posts in coordination with the Department of Foreign Affairs.

Each of these Bureaus shall be headed by a Bureau Director. The Bureau Director shall be appointed by the Board upon recommendation of the Chairperson.

**SECTION 13. Services.** – The Services of the Commission shall consist of the following:

- a) *Policy and Planning Division* – The Division shall be responsible for the development and implementation of the policies and plans of the Commission for the preservation, safeguarding, conservation, development and promotion of Philippine culture, arts and creative arts.
- b) *Administrative Division* – shall be responsible for the planning and implementation of comprehensive range of administrative services which support office operations. These services encompass the areas of assets, properties and facilities management, efficient procurement, systems and information management, storage and distribution of supplies, records and archives management, library services.
- c) *Human Resource Division* – shall be responsible for the administrative, personnel management and general services, including recruitment, monitoring of personnel attendance and payroll preparation, preparation of documents needed for retirement of Officers and members of the Secretariat; undertake liaison services with other government and non-government agencies on matters relating to the Secretariat areas of functional interest; provide career development and training services to the Secretariat; conduct of personnel performance evaluation; responsible for preparation of reports relative to activities, efficiencies and deficiencies involving discipline, details, assignments and other related matters affecting personnel.
- d) *Finance Management Division* – shall be responsible for the day to day financial management, budgetary and accounting services, cashiering services,

supervision of the control, financial records, distribution and allocation of funds for operations and services of the Commission, coordinate with the NEFCA for the funding of the grants and its administrative and logistical financial requirements.

- e) *Legal Affairs Division* – the Division shall be responsible of the legal affairs and matters of the Commission, including providing assistance to the artists and cultural workers for the protection of their intellectual property rights, and establishing and maintaining regular coordination with Congress for the passage of legislative measures, and other related functions as may be assigned or delegated by the Chairperson.
- f) *Grants Management Division* – the Grants Office shall facilitate all grants-related matters for the development, protection, preservation and dissemination of Philippine culture and the arts; ensure broad access on the grants, especially by the regions; and ensure appropriate grants review guidelines and processes, provided, that, the Commission shall be the deciding body in awarding the grants to applicants.
- g) *Grants and Program Monitoring and Evaluation Division* – shall be responsible for the assessment of the performance of grants, programs, projects set up by the NCCA utilizing predetermined monitoring and evaluation (M&E) measures to ascertain their merits. With the goal of improving current and future management of outputs, outcomes and impacts, M&E will enable the NCCA to use evidence-based results for future decisions.

Furthermore, the division shall ensure the conduct of monitoring as continuous assessment of an ongoing implementation of a program or project to determine the progress or delay of activities, and evaluation of its efficiency, effectiveness, and impact of activities in the light of specified objectives

- h) *Inter-Agency Affairs Division* – the Division shall be responsible for coordination of the plans, activities and other concerns of the different attached agencies and institutions and other partner agencies, institutions and organizations.
  - i. *Cultural Agencies and Inter-Agencies Cooperation Office* – the Cultural Agencies and Inter-Agencies Coordination Office shall be responsible for coordination with the national cultural agencies, including but not limited to the Cultural Center of The Philippines, the National Historical Commission of The Philippines, the National Museum of the Philippines, the National Library of the Philippines, Komisyon sa Wikang Filipino, National Archives of The Philippines, and with other agencies and departments of the national government, including, but not limited to, agencies that pertain to the creative arts;
  - ii. *Local Government Unit Cultural Liaison Office* – the Local Government Unit Liaison Office shall determine the baseline data on the status of local culture and arts councils, existing local culture and arts councils' programs and projects, quantitative and qualitative assessment of current and past NCCA projects and programs funded through grants to the local government units and/or for activities that benefitted local government units, determine key indicators for successful local institutionalization of culture and arts policies and programs, and conduct awareness campaigns for local government units;

**SECTION 14. *The Regional Culture and Arts Councils.*** – The Regional Culture and Arts Councils shall perform the following functions:

- A) Assess the general conditions of regional arts, culture, and creative industries, and propose approaches, including policies and programs that may be adopted by the Commission;
- B) Serve as a forum for the discussion of matters affecting the various areas of the cultural sector, anchored on the strengthening of linkages, the exchange of information, and the formulation of coherent guidelines and policies;
- C) Initiate, formulate, and advocate a coordinated and common stand on significant cultural issues or concerns of the region; and
- D) Perform any other advisory function as may be deemed by the Commission.

The Regional Cultural and Arts Council shall be composed of members from the private sector who are in the fields such as but not limited to architecture, cinema, dance, dramatic arts, literary arts, music, visual arts, archives, art galleries, museums, historical research, monuments and sites, libraries, cultural education, language, communication, design, culinary arts. They shall also include representatives from the Indigenous Cultural Communities and the Moro People within the region.

The Regional Culture and Arts Councils shall be grouped into major geographic clusters of National Capital Region, Luzon, Visayas and Mindanao. The Councils shall hold office in the NCCA Regional Office. Each cluster shall be headed by a Commissioner as representative to the NCCA Board.

#### **ARTICLE IV THE REGIONAL OFFICES OF THE COMMISSION**

**SECTION 15. *Regional Offices.*** – The board is hereby authorized to establish, operate and maintain and establish Regional Offices as it may deem necessary.

Each Regional Office shall be headed by a Regional Director, who may be assisted by one (1) Assistant Regional Director. The Regional Director and Assistant Regional Director shall be appointed by the Board upon the recommendation of the Executive Director. Provided, that they shall be persons recognized as an accomplished manager, advocate, scholar or practitioner in fields of endeavor related to Philippine culture in the region, or any suitably qualified person in the manner provided for by law for Career Executive Service Officers of the same rank.

It may also establish satellite, extension or field offices when and wherever necessary, particularly in locations where significant cultural and heritage properties and concerns are identified to exist, and to support the operations, programs and projects of its attached and other concerned agencies and institutions. A Regional Cluster Office shall have, within its administrative region, the following functions:

- A) Implement laws, policies, plans, programs, rules and regulations of the Commission or agency in the Regional area;
- B) Undertake research and gather data on local culture and arts trends and other relevant cultural and artistic information;

- C) Cause to establish and/or coordinate with the local culture and arts councils (as far as the city and municipal level) to engage participation of local artists and cultural workers;
- D) Coordinate with regional offices of other departments, bureaus and agencies in the area;
- E) Coordinate with local government units in the area;
- F) Make recommendations to the Executive Director on all matters relating to culture and arts in the region; and,
- G) Perform such other functions as may be provided by law.

**SECTION 16. *Duties of a Regional Director.*** – The Regional Director shall perform duties and functions as may be provided by law or further delegated by the head of agency or other proper authorities concerned.

## **ARTICLE V THE METROPOLITAN THEATER**

**SECTION 17. *The Metropolitan Theater.*** – The Board shall ensure the efficient operation of the Metropolitan Theater and therefore will be in charge of planning and implementation. It shall be empowered to receive grants, donations and retain income generated by the use of the theater. The Commission will establish a Theater Operations Division or an independent body to operationalize the plan. The Theater shall be headed by a Theater Manager with the same rank, salary and privileges as that of a Director III and shall be appointed by the Commission upon recommendation of the Executive Director, provided, no person shall be appointed as Theater Manager unless he/she possesses the qualifications as prescribed by the Commission.

## **ARTICLE VI THE ATTACHED AGENCIES AND INSTITUTIONS**

**SECTION 18. *Attached Agencies and Institutions.*** – The following cultural agencies and institutions shall be attached to the Commission:

- A) The National Museum of the Philippines
- B) The National Historical Commission of the Philippines
- C) The National Archives of the Philippines
- D) The National Library of the Philippines
- E) Cultural Center of the Philippines
- F) Komisyon sa Wikang Filipino
- G) Film Development Council of the Philippines
- H) National Book Development Board
- I) National Council for Children's Television

While the above agencies and institutions shall continue to operate and function in accordance with their respective charters or laws, they shall periodically report to

the Commission on the progress of their programs and projects. The Commission shall devise such cooperative and collaborative arrangement and working relationship with the attached agencies to ensure their involvement and participation as active partners of the Commission in the pursuit of its mandate and objectives under this Act.

**ARTICLE VII**  
**NATIONAL ENDOWMENT FUND FOR CULTURE AND THE ARTS**

**SECTION 19. *The National Endowment Fund for Culture and Arts.*** – The existing National Endowment Fund for Culture and Arts as provided in Section 20 of Republic Act 7356 and the National Endowment for Culture and the Arts provided in Section 50 of Republic Act 10066 shall be consolidated into a single National Endowment Fund for Culture and the Arts (the Fund). The Fund shall continue to be utilized exclusively for Philippine art and cultural programs, projects and activities that the Board may approve in furtherance of the Commission's mandate.

- a) The contribution of the Fund shall be from the ten percent (10%) of the travel tax collection, the share to be taken from the annual allotment of the travel tax given to the Tourism Infrastructure and Enterprise Zone Authority.
- b) Government corporations are hereby authorized to give grants to the Fund but not to exceed fifteen percent (15%) of their unimpaired surplus;
- c) The Commission may generate funds through donations, fund-raising activities and other conveyances including funds, materials, property and services, by gratuitous title;
- d) For the sound and judicious management of the Fund, the Board shall appoint a reputable government-accredited investment institution as Fund Manager, subject to guidelines promulgated by the Commission;
- e) The Board shall prepare implementing guidelines and decision-making mechanisms, subject to the following:
  - i. unless otherwise stipulated by the private donor, only earnings of private contributions shall be used;
  - ii. no part of the seed capital of the Fund, including earnings, thereof, shall be used to underwrite overhead expenses for administration;
  - iii. not more than twenty percent (20%) of the Government's annual contribution to the Fund shall be devoted to administrative functions of the Commission; at least ten percent (10%) shall be earmarked as part of the fund's capital, and the balance shall be used for its programs and projects;
  - iv. The Board shall organize a NEFCA office to be headed by a Comptroller or Financial Management Director appointed by the Commission and directly responsible and accountable to the same and shall be responsible for the sound, judicious and efficient

management and investment of the Fund;

- v. There shall be an external auditor to perform an annual audit of its performance;
- vi. The Fund shall be exempt from pre-audit by the Commission on Audit.

#### **ARTICLE VIII RETENTION OF INCOME AND DISPOSITION OF DONATED FUNDS**

**SECTION 20. *Retention of Income and Disposition of Funds.*** – The Commission is hereby authorized to retain the entirety of its income from all sources of its operations, and to expend the same for any purpose in benefit of the Commission as may be authorized by the Board, in accordance with this Act and other laws pertinent to the Commission and any special provisions as may be provided for in the General Appropriations Act for any given fiscal year. Such income shall be placed in a dedicated National Endowment Fund for Culture and the Arts, and may accumulate for disbursement in future fiscal years.

#### **ARTICLE IX EXEMPTION FROM TAXES, DUTIES AND FEES AND CHARGES**

**SECTION 21. *Exemption from Taxes, Duties, Fees, and Charges.*** – The Commission shall be exempt from the payment of taxes, fees, and charges imposed by the National government and its political subdivisions, agencies, and instrumentalities.

All donations in any form to the Commission shall be exempt from the donor's tax and the same shall be considered as allowable deduction from the gross income in the computation of the income tax of the donor, in accordance with the provisions of Republic Act No. 8424, otherwise known as the "National Internal Revenue Code of 1997", as amended.

Importation of items, materials and goods of any kind, whether owned by, leased, donated or loaned to the Commission, for the implementation, performance or execution of its mandate shall be exempt from customs and duties; Provided, such items, materials and goods shall be imported under the name of the Commission; Provided further, the Commission shall be in possession of such imported items, materials and goods for five (5) years or for the duration of the loan or lease, whichever is appropriate.

#### **ARTICLE X FINAL PROVISIONS**

**SECTION 22. *Appropriations.*** – The amount necessary to cover the initial implementation of this Act shall be charged against the appropriation of the Commission under the General Appropriations Act. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

**SECTION 23. *Reorganization.*** – Within one hundred twenty (120) days from the effectivity of this Act, the Board shall reorganize the structure of the Commission, including its staffing pattern in order to carry out the functions pursuant to the

expanded mandate and functions of the Commission.

The preparation and approval of the said new organizational structure and staffing pattern shall, as far as practicable, respect and ensure the security of tenure and seniority rights of the current employees of the Commission.

The existing organizational structure and staffing pattern of the Commission shall be amended to integrate the provisions of this Act: Provided, such amendments in the organizational structure and staffing pattern of the Commission shall be in accordance with Republic Act No. 6656, or the "Government Reorganization Law."

**SECTION 24. *Transitory Provisions.*** – All assets, fixed, real and movable, and all contracts, records, and documents relative to the operations of the Commission shall remain under the control and disposition of the Commission for utilization in accordance with its mandate.

**SECTION 25. *Implementing Rules and Regulations.*** – The Commission, in consultation with other agencies mentioned in this Act, shall promulgate its implementing rules and government regulations within ninety (90) days after the effectivity of this Act.

**SECTION 26. *Separability Clause.*** – Any portion or provision of this Act that may be declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof as long as such remaining provisions can still subsist and be given effect

**SECTION 27. *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 28. *Effectivity Clause.*** – 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,

