

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

Second Regular Session

House Bill No. 8924



Introduced by Representatives CRISTAL L. BAGATSING, CHRISTOPHER V.P. DE VENECIA , SHARON S. GARIN

EXPLANATORY NOTE

The production and release in 1919 of the very first Filipino-produced motion picture, *Dalagang Bukid*, is widely touted as an important cultural milestone in Philippine history. However, no one alive today has claimed to have seen the film -- all copies were lost long ago. Almost none of the Filipino films produced before the outbreak of World War 2 have survived. The preservation of our audio-visual heritage has not been duly ensured by the State or the private sector. Most Filipino television programs produced as recently as the 1970s or 1980s have been lost forever. While the invention of film and audio recording had opened the opportunity for the preservation of the culture that we consume that any given time, the Philippines has not sufficiently taken advantage of that possibility. Future generations will be deprived the opportunity not just of encountering landmark cultural moments, but of the ways of life of previous generations.

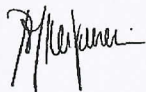
The enactment of Republic Act No. 10066, otherwise known as the National Cultural Heritage Act of 2009, ushered in a new framework for the protection of Philippine cultural properties, ensuring that state mechanisms and resources would be devoted for the protection of our heritage. This proposed National Film Archive Act makes certain

what is already evident in the National Cultural Heritage Act -- that all films, all audio-visual content produced by Filipinos are in fact cultural properties as they too are "products of human creativity". [See Sec. 3(o), Rep. Act No. 10066] The proposed bill establishes a defined framework in alignment with Rep. Act No. 10066, for the preservation and promotion of Filipino audio-visual works through a newly established cultural agency - the National Film Archive of the Philippines.

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



HON. CRISTAL L. BAGATSING
Fifth District of Manila



HON. CHRISTOPHER V.P. DE VENECIA
Fourth District of Pangasinan



HON. SHARON S. GARIN
AAMBIS-OWA Party List

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

Second Regular Session

House Bill No. 8924

**Introduced by Representatives CRISTAL L. BAGATSING, CHRISTOPHER V.P. DE
VENEZIA, SHARON S. GARIN**

**AN ACT CREATING THE
NATIONAL FILM ARCHIVE OF THE PHILIPPINES**

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 Film Archive Act.

SEC. 2. Declaration of Principles and Policies - It is hereby declared the policy of the State:

- a) To establish a permanent collection of diverse audiovisual and cinematographic works created or produced by the Philippines, pursuant to the mandate of the State under Article XIV, Section 15, Constitution to provide patronage, and to conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations; and
- b) To ensure the preservation of audiovisual and cinematographic works made or produced by Filipinos that are of historical importance or cultural merit, regardless of their content, pursuant to the mandate of the State under Article XIV, Section 14, to 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;
and,

- c) To establish all audiovisual and cinematographic works made or produced by Filipinos, regardless of content or merit, as protected cultural properties that form part of the cultural treasure of the nation, pursuant to the mandate of the State under Article XIV, Section 16 to protect all the country's artistic and historic wealth.

Sec. 3. Creation of the National Film Archive of the Philippines (NFAP). – A National Film Archive of the Philippines, hereinafter referred to as the NFAP, is hereby established as a national cultural agency, whose main purpose is to administer the national film archive created under this Act and to determine and implement policies and programs for the preservation of audiovisual and cinematographic works as cultural property, consistent with Republic Act No. 10066, otherwise known as the National Cultural Heritage Act of 2009 (“NCH Act”), and this Act. The NFAP shall be attached to the National Commission for Culture and the Arts.

Sec. 4. Officers. The NFAP shall be headed by an executive director with a rank equivalent to a bureau director and who shall be assisted by two deputy executive directors.

The President of the Philippines shall appoint the executive director and the two deputy executive directors of the NFAP from a list of nominees submitted by the Film Development Council: *Provided*, That said officials to be appointed to the Film Archive shall be knowledgeable of the artistic, historical, cultural and technical aspects of film-evaluation, restoration and/or archiving along world-class standards. *Provided, further, that the Executive Director shall possess a Master's Degree in Archival Science, Museum Studies, Communications/History, or Media Studies, or a Master's in Library and Information Science, or a Master's of Science in Information with specialization in audiovisual materials, preservation administration, or materials conservation.*

The executive director and the deputy executive directors shall serve for a term of three (3) years and shall be eligible for reappointment for a second term: *Provided*, That no director shall serve doe more than two (2) consecutive terms: *Provided further*, if any director fails to complete a term, the person appointed to fill the vacancy shall serve only for the unexpired portion of the term of the director whom he/she succeeds, unless re-appointed: *Provided finally*, That such service of the unexpired portion shall not counted as a term.

The National Film Archives shall establish its own staffing pattern, and salary and compensation scheme, within six months from the effectivity of this Act, subject to the rules and regulations of the Department of Budget and Management (DBM) and the Civil Service Commission (CSC).

Sec. 5. Powers of the National Film Archive of the Philippines. which shall have The National Film Archive of the Philippines shall have the following powers and functions:

1. Plan, formulate, and implement an archival administration program for the efficient recovery, restoration, conservation, preservation, maintenance, utilization and disposal of cinematographic films including the adoption of security measures and film protection program;
2. Performing the functions of a cultural agency as designated under the NCH Act with specific area of responsibility for audiovisual and cinematographic works, as well as the functions of an archival agency as defined under the NCH Act, including but not limited to the following duties:
 - a. Maintain an inventory, evaluation and documentation of all audiovisual and cinematographic works, consistent with the designation of such works as cultural properties under the NCH Act;

- b. Appraise, arrange, describe, conserve, promote and make archival audiovisual and cinematographic works available for reference and research;
 - c. For purposes of protecting an audiovisual or cinematographic work against exportation, modification or demolition, to act on a petition by the owner, stakeholder or any interested person for a declaration or a delisting of an audiovisual or cinematographic work as an important cultural property or a national cultural treasure, pursuant to the NCH Act;
 - d. Undertake and supervise all intervention works and measures on conservation of audiovisual or cinematographic works designated as national cultural treasures or important cultural property;
3. Conduct archival research using materials here and abroad, including background studies about films considered for inclusion in the National Film Archive, and;
4. Acquire through transfer, donation, purchase or any other means film prints and digital masters of works for inclusion in the National Film Archive, and such equipment and other facilities that are necessary for the restoration, archiving and preservation of audiovisual works and for the establishment of the archive;
5. Reproduce and authenticate copies of audiovisual and cinematographic works for the sole purpose of preserving such copies in the national film archive, and subject to copyright laws;
6. Facilitate the acquisition of a permanent and suitable building for the National Film Archives to house the country's film archival holdings;
7. Promote appreciation of and build cultural values from works in the national film archive;

8. Provide for access to the Film Archive for scholarly and research process, subject to reasonable guidelines;
9. Make Filipino audiovisual works readily available for educational, historical, and cultural purposes to all segments of Philippine society, as well as the international community;
10. Extend technical assistance to all government offices, instrumentalities, and agencies, national or local, in the planning, implementation and evaluation of their film archives administration program; and
11. Conduct training programs on film archives management, including the establishment of an archival system for both public and private sectors.
12. Such other powers and functions as may be necessary for the accomplishment of the principles and policies as declared under this Act.

SEC. 6. Submission of Works. Film companies or individual producers of films that are either commercially exhibited within the Philippines, produced by Filipino producers, or directed by a Filipino director, are hereby required to submit, at a reasonable cost, a copy of their work to the National Film Archive within three (3) months from its release for the singular purpose of preserving a copy of such cultural property for the archive. The NFAP shall likewise establish a procedure for the acceptance of voluntary submission of any audiovisual or cinematographic work in the National Film Archive, *Provided*, that the consent of all persons possessing rights over the work under the Intellectual Property Code shall be secured prior to such submission; *Provided, further*, that the consent of such rights holder shall not be required should a work be duly designated as a national cultural treasure or an important cultural property.

SEC. 7. *Implementing Rules.* The NFAP shall, in consultation with the Film Development Council, the National Historical Institute, National Commission on Cultural and Arts, and the National Archives of the Philippines, issue the necessary rules and regulations to implement the provisions hereof.

SEC. 8. *Appropriations.* The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 9. *Repealing Clause.* All acts, decrees, executive orders, rules and regulations, and other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed, modified or amended.

SEC. 10. *Severability.* If for any reason, any portion or provision of this Act be declared unconstitutional, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 11. *Effectivity.* This Act shall take effect fifteen (15) days after its publication either in the Official Gazette or in newspaper of general circulation.

Approved