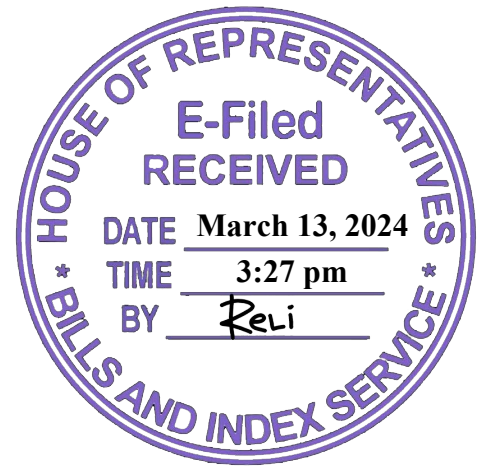


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

House Bill No. **10143**



Introduced by Representative Hon. Christopher V.P. de Venecia

Explanatory Note

National Library of the Philippines (NLP) started as Museo-Biblioteca de Filipinas in August 12, 1887. Since then, NLP's mandate has been redefined by various statutes. The current mandate came from RA 7356 (the charter of National Commission for the Culture and the Arts, enacted on April 3, 1992) where NLP was redefined as a cultural agency. Subsequent laws added and further redefined NLP's mandate and functions.

This bill intends to consolidate and enhance the NLP's mandate and functions as a cultural agency to address needs of our rapidly changing society.

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

A handwritten signature in black ink, appearing to read 'Christopher V.P. de Venecia', written in a cursive style.

HON. CHRISTOPHER V.P. DE VENECIA
4th District, Pangasinan

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**AN ACT INSTITUTING THE CHARTER OF THE NATIONAL LIBRARY
OF THE PHILIPPINES, REORGANIZING ITS STRUCTURE, DEFINING ITS
POWERS AND FUNCTIONS AND PROVIDING FUNDS THEREFOR**

*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 "THE NATIONAL LIBRARY OF THE PHILIPPINES ACT."

SECTION. 2. Declaration of Policy. - It is hereby declared the policy of the State to foster the cultural well-being of the Filipino people and promote their lifelong learning through a centralized system of public libraries.

Towards this end, the State shall acquire, organize, conserve and preserve historical, cultural, intellectual, literary and other information resources and provide equitable access thereto.

It shall establish local and international partnership and observe the conduct of historical and cultural events and activities. In addition, it shall support the development of library facilities and services to be responsive with the changing information needs of the community.

SECTION. 3. Name. - The National Library of the Philippines is an independent agency to be known as the "*National Library of the Philippines*" or "*NLP*", alternatively in Filipino, "*Pambansang Aklatan ng Pilipinas*" or its shortened name "*National Library*" or "*Pambansang Aklatan*".

It shall be understood that use of any of the designation in any institution within the

Philippines shall be reserved exclusively to the agency.

SECTION. 4. Permanent Official Station. - The National Parks Development Committee (NPDC) shall grant to the National Library its current location as its permanent official station.

SECTION. 5. Official Repository. - The National Library shall be the official repository of printed and recorded cultural heritage of the country as well as other resources that document Philippine history, literature, linguistics, culture and arts.

As custodian of printed and recorded cultural heritage, the NLP shall organize, conserve, preserve and provide access to the same to cultivate love for the country and instill value for Filipino identity.

SECTION. 6. Definition of Terms. - For purposes of this Act, the following terms shall be defined as follows:

Acquire - refers to all modes of augmenting library collections such as purchase/procurement, copyright registration, legal deposit, exchange, gifts, donations.

Affiliation - refers to the process of interconnecting public libraries to the National Library of the Philippines to organize and strengthen them for cultural and intellectual growth and development of the members of the community.

Agency - refers to the “National Library of the Philippines”, “NLP”, “Pambansang Aklatan ng Pilipinas”, “National Library”, or “Pambansang Aklatan”.

Conserve - refers to all the processes and measures of maintaining the cultural significance of a cultural property including, but not limited to, preservation, restoration, reconstruction, protection, adaptation or any combination thereof

Copyright registration - refers to the process of recording the rights of the creator or proprietor over the original work.

Division - refers to the Readers Services, Copyright Services, Technical Services, Special Services, Information and Technology, Public Libraries, Conservation and Preservation, Human Resource Management, Finance and Administration, Policy, Planning, Monitoring and Evaluation, and External Affairs.

Equitable access to information - refers to online or onsite utilization of library resources by all library users subject to the limitations provided by laws and regulations of the NLP.

Filipiniana resources - refer to the publications about the Philippines or its people, written by a Filipino or other nationality in any language, printed or published in any medium in the Philippines or abroad. It also includes publications written in Filipino language/dialect irrespective of its subject matter.

Legal deposit - refers to statutory obligation of the publisher, printer, heads of the various departments, bureaus, offices, and branches of the government, including the

provinces and municipalities, and government-owned and government-controlled corporations to provide the National Library of the Philippines and other repositories, free of charge, best copies of their publications which are made available for sale or free distribution to the general public.

Library resources - refer to all library materials and publications.

Library services - include access and use of library resources and facilities, inter-library loans, reservation of books, photocopying/printing, educational tours, storytelling, puppet shows, read-aloud, arts and crafts, outreach programs and others.

Organize - refers to indexing, cataloging and bibliographic processes for proper management and administration of library collections; arranging the *on the shelf* collections in a systematic manner.

Preserve - refers to processes of prolonging the existence of cultural property.

Public Librarianship - refers to management of public libraries in accordance with the policies and standards promulgated by the NLP as well as those set forth in the *Quality Manual of Libraries of the Philippines* and *Standards of Philippine Public Libraries (SPPL)*.

Public Libraries - refer to libraries in the community dedicated for learning and recreational activities established, operated and maintained by local government units or congressional districts. It also includes barangay reading centers.

SECTION. 7. Organizational Structure. - The NLP shall be reorganized into:

1. Office of the Director-General;
2. Office of Deputy Director-General for Operations;
3. Office of Deputy Director-General for Management; and,
4. Offices of Directors for:
 - a. External Affairs;
 - b. Preservation and Conservation;
 - c. Public Libraries;
 - d. Copyright;
 - e. Readers Services;
 - f. Special Services;
 - g. Technical Services;
 - h. Finance and Administration;
 - i. Human Resource Management;
 - j. Information Technology; and,
 - k. Policy, Planning, Monitoring and Evaluation.

Each Office of Director shall have an Assistant Director.

SECTION. 8. Qualifications and Appointments. - (1) The Director-General and the Deputy Director-Generals shall be appointed by the President and shall have the same rank, qualification and emolument of Undersecretary and Assistant Secretary, respectively.

(2) No person shall be appointed Director and Assistant Director unless he/she possessed competence, experience and expertise relevant to the position in accordance with the CSC rules and regulations on appointment.

SECTION. 9. Powers and Functions. The NLP shall have the following powers and functions:

- a. Acquire, organize, preserve and conserve printed and recorded historical and cultural heritage of the country as well as Filipiniana resources and other intellectual, literary, and information resources in various media and forms;
- b. Promote and strengthen the nation's historical and cultural heritage, as well as artistic creation to protect Filipino identity;
- c. Ensure free and equitable access to library resources;
- d. Establish, maintain, and strengthen a centralized system of public libraries through an affiliation process and standardize public librarianship;
- e. Exercise general supervision over public libraries and monitor compliance with minimum standards of operations for public libraries;
- f. Provide technical assistance to affiliated public libraries;
- g. Implement the laws on copyright and legal deposit;
- h. Formulate and implement rules and regulation for partial or non-fulfillment with legal deposit and determine, collect and impose fines thereon;
- i. Arrange and conduct cultural events and other similar activities and collect reasonable fees;
- j. Determine and collect fees for activities and services other than access to information;
- k. Develop library facilities and inclusive services to be responsive with the existing intellectual and information needs of library users and community; and
- l. Perform other functions for the furtherance of culture and education.

SECTION. 10. Powers and Duties of the Director-General.- The Director General shall be the head of the agency and shall:

- a. Exercise overall authority in matters within the jurisdiction of the agency, including those relating to its operations and enforce laws and regulations pertaining to it;
- b. Appoint and discipline employees of the agency in accordance with laws and regulations;
- c. Promulgate rules and regulations as may be necessary or proper for the efficient administration of the agency and performance of its functions;
- d. Enter into a contract or agreement for the furtherance of the agency's functions;
- e. Develop and implement programs, projects, and activities to effectively carry out the purpose of this Act;
- f. Perform such other functions as may be necessary in the performance of duties.

SECTION. 11. Deputy Director-General for Operations. The Deputy Director-General for Operations shall have the following powers and duties:

- a. Assist the Director-General in the management and operation of the agency;
- b. Direct and supervise the Directors of *Readers Services, Copyright Services, Technical Services, Special Services, Information and Technology, Public Libraries and Conservation and Preservation*;
- c. Together with the Directors, formulate guidelines and procedures for effective and efficient delivery of services;
- d. Monitor applicable laws, rules and regulations;
- e. Approve and authorize the registration and issuance of copyright;
- f. Establish regulations and procedures for imposition of fines for non-compliance with law on legal deposit;
- g. Perform other duties as may be assigned by the Director-General.

SECTION. 12. Deputy Director General for Management. The Deputy Director-General for Management shall have following powers duties:

- a. Assist the Director-General in the management and operation of the agency;
- b. Direct and supervise the Directors of *Human Resource Management, Finance and Administration, Policy, Planning, Monitoring and Evaluation and External Affairs*;
- c. Together with the Directors, formulate guidelines and procedures for effective and efficient delivery of services;
- d. Monitor applicable laws, rules and regulations; and
- e. Head relevant committees and address all concerns pertaining to the purpose of said committee;
- h. Perform other duties as may be assigned by the Director-General.

SECTION. 13. Directors. The Director shall render assistance to Deputy Director-General and carry out the following powers and duties:

- a. Direct and supervise the office staff;
- b. Monitor, assess and evaluate staff performance;
- c. Implement applicable policies, rules, and regulations;
- d. Formulate office plans, programs, and activities;
- e. Exercise independent judgment on matters within his/her authority; and
- f. Perform other duties as may be assigned by the Director-General or Deputy General.

SECTION. 14. The Top Management. The Director-General, Deputy Director-General for Operations, and Deputy Director-General for Management shall compose the top management of the agency and in all cases shall adhere to the rule of majority.

SECTION. 15. The Divisions. The divisions shall be headed by Directors and have the following functions:

- a. *Copyright Services Division (CSD)* shall manage, process and evaluate application for copyright registration and deposit, issue certificate thereon, and create, keep and update regularly the records of registration and deposit. It shall also perform other related functions.
- b. *External Affairs Division (EAD)* shall maintain the positive image of the

agency, build strong relationships and networks with stakeholders, implement public relations strategies and manage public relations concerns.

It shall also arrange cultural events, tours, exhibits, conference, workshop, and other similar activities to promote the services of the NLP and seek opportunities for the agency and its personnel. Moreover, it shall undertake research, publication, and distribution of newsletters, annual reports, manuscripts, and other materials. The EAD shall also direct the official website and social media sites of the agency.

- c. *Finance and Administration Division (FAD)* shall manage the resources of the agency and handle its financial activities. It shall conduct planning, accounting, auditing, budgeting, cashiering and procurement activities. It shall ensure smooth administration of funds, expenditures, and revenues.

The FAD is also responsible for the maintenance of facilities, equipment, and properties of the agency. It shall handle janitorial, security and other administrative services.

- d. *Human Resource Management Division (HRMD)* shall manage the employees of the agency. It is responsible for recruitment, selection, and placement of personnel and their compensation, benefits and incentives. It also shall provide learning and development programs.

The HRMD shall monitor the conduct and performance of employees and initiate disciplinary actions in accordance with laws, rules and regulations. In addition, it shall handle the NLP Internship Programs and other human resource functions.

- e. *Information Technology Division (ITD)* shall provide information and technology services to support the operation of the agency by integrating, administering, updating, upgrading, improving, and maintaining the IT systems.
- f. *Policy, Planning, Monitoring and Evaluation Division (PPMED)* shall set the agency road map to achieve its organizational and societal objectives. It shall conduct comprehensive assessment and evaluation of agency performance, carry out an operational and strategic planning, consider necessary modification thereto, and ensure agency compliance with laws, government policies, rules and regulations. It shall also develop, implement and evaluate policies for efficient and effective delivery of services.
- g. *Preservation and Conservation Division (PCD)* shall preserve and conserve all printed and recorded cultural heritage of the country. It shall organize and maintain Filipiniana collections.
- h. *Public Libraries Division (PLD)* shall implement the centralized system of public libraries through an affiliation process to promote culture and support education as well as recreational activities for community development.

- i. *Readers Services Division (RSD)* shall be the mainstay of library services of the agency. It shall organize, maintain and provide free and equitable access to circulation, reference, Filipiniana, serials, multimedia, foreign.
- j. *Special Services Division (SSD)* shall be the pillar of specialized library services to specific library users namely, children, young adults, persons with special needs or persons under a special circumstance, and senior citizens. It shall organize, maintain and provide free and equitable access to library resources as well as conduct activities and programs to meet their information needs.
- k. *Technical Services Division (TSD)* shall provide specialized support in the delivery of library services. It shall primarily acquire and organize library materials.

The TSD shall ensure proper selection and acquisition of library materials including original, unique, special, rare items or collections with cultural significance, systematically catalog and index the library collection, provide bibliographic services, and process legal deposit.

SECTION. 16. Centralized System of Public Libraries. - The NLP shall be the sole authority in regulating public libraries and librarianship. It shall establish a centralized system of public libraries to promote, monitor and standardize public libraries and librarianship, implement national and local cultural programming, and support multi-sectoral educational reinforcement and recreational activities.

The local government unit or the congressional/legislative district, as the case may be, shall fund the establishment and operations of public libraries. It is the responsibility of the local chief executive or congressional district representative to ensure annual funds allocation for capital outlay, personnel services, and maintenance and other operating expenses of public libraries.

SECTION. 17. Acquisition of Original, Unique, Special, Rare Items or Collections with Cultural Significance. - Acquisition of original, unique, special, rare items or collections with cultural significance shall be determined by Director-General and Deputy Director-Generals in accordance with the policies established by the agency. Such acquisition shall be exempt from government procurement laws, rules and regulations.

SECTION. 18. Tax Exemption. - (1) Importation of educational, scientific and cultural materials shall be exempt from custom duties or any other charges, including value added tax (VAT) by virtue of the Florence Agreement. Such materials cover the following:

- a. Books, publications and documents (Annex A);
- b. Works of art and collectors' pieces of an educational, scientific or cultural character (Annex B);
- c. Visual and auditory materials of an educational, scientific or cultural character (Annex C);
- d. Scientific instruments or apparatus (Annex D); and

e. Articles for the blind (Annex E)

(2) Any gift, grant, bequest, endowment, donation or contribution which may be made to or for the use of the agency by any individual or entity shall be exempt from taxes of any kind and shall constitute allowable deductions in full from the income of the donors or givers for income tax purposes.

SECTION. 19. NLP Income Fund. - The agency shall have the power to collect reasonable fees as a source of revenue in addition to its General Appropriations Act (GAA). The revenues shall be credited to the NLP Income Funds and be used for modernization of library facilities and acquisition of special or rare cultural collections under the care of private individuals or institutions. The funds may be accumulated and disbursed on the following if not utilized in the current year.

SECTION. 20. NLP Donations Fund. - The agency shall establish the NLP Donations Fund wherein all monetary gifts, grants, donations, and contributions shall be placed. The fund shall be disbursed according to the intent of the donor. In the case of pure donation, the Director-General shall have a discretion to dedicate the funds for matters as he/she deems fit.

SECTION. 21. Appropriations. – The amount necessary to implement this Act shall be charged against the current appropriations of the agency. Thereafter, such sums as may be needed for its full implementation shall be included in the annual General Appropriations Act.

SECTION. 22. Transitory Provision. - All incumbent officials and employees shall continue in office and perform their duties as such without need of reappointment: Provided, the incumbent Director IV shall continue in office as Director General; the incumbent Director III shall continue in office as Deputy-Director General; the incumbent Chief Administrative Officer/Administrative Officer V(HRMS)/ Librarian V shall continue in office as Directors of respective or equivalent service; and, the incumbent Librarian IV shall continue in office as Assistant Directors of respective or equivalent service.

Such positions affected by the changes embodied in this Act at the time of its approval shall thereafter occupy and discharge the duties and functions of their new positions and receive the corresponding salary and benefits without the necessity of new appointment.

The number of administrative support personnel shall be increased to address the needs and gaps in the delivery of service and refrain from the practice of continuously hiring Contract of Service and Job Order workers to the detriment of such workers.

All new and vacant positions shall be filled in accordance with applicable rules and regulations.

SECTION. 23. Separability Clause. – Should any provision of this Act or part hereof be declared unconstitutional, the other provisions or parts not affected thereby shall remain valid and effective.

SECTION. 24. Repealing Clause. – Pertinent provisions of Act Nos. 222, 1849, 1935, 2572, 3477, Executive Order No. 94, and Republic Act nos. 3873, 10087, 7743, and Presidential Decree No. 812 and all other laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed.

SECTION. 25. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved.