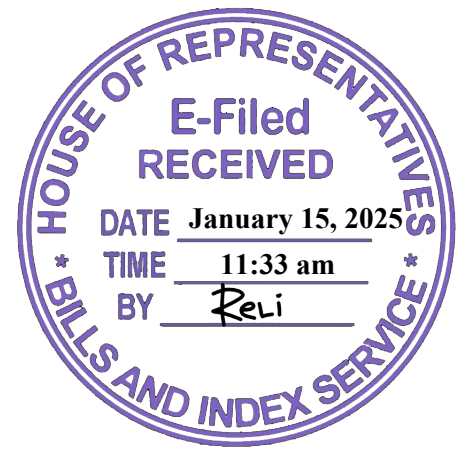


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 11291



Introduced by Hon. Christopher V.P. de Venecia

AN ACT TO FURTHER STRENGTHEN THE GOVERNMENT SYSTEM OF RECORDS MANAGEMENT AND ARCHIVES ADMINISTRATION, ESTABLISHING FOR THE PURPOSE THE NATIONAL ARCHIVES AND RECORDS MANAGEMENT AUTHORITY, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

With the passage of Republic Act No. 11961, also known as the Cultural Mapping Law, ensuring the proper management and preservation of our cultural and historical wealth has become an urgent priority. In this era of rapid modernization, the protection of our country's archival cultural heritage is paramount.

This proposed legislation seeks to strengthen the nation's archival and records management system by establishing the National Archives and Records Management Authority (NARMA) as an independent agency administratively attached to the National Commission for Culture and the Arts (NCCA). It introduces amendments to Republic Act No. 9470, the National Archives of the Philippines Act of 2007, replacing the National Archives of the Philippines (NAP) with NARMA.

Key features of the bill include the integration of modern technology in records management, particularly in addressing electronic records. It introduces comprehensive policies for the inclusion and handling of electronic records in archival systems. The bill also proposes the establishment of an archival conservation laboratory and regional offices, which will oversee regional records centers and archives to ensure accessibility and efficiency in records management nationwide.

To support the professional growth of its personnel, the bill mandates participation in learning and development programs, both locally and internationally, to enhance their skills and competencies. Additionally, a NARMA Trust Fund will be created to exclusively support NARMA's programs and activities.

The passage of this bill will lay the foundation for the effective preservation and promotion of our cultural heritage. By enhancing the management of public archival records that embody Filipino culture, history, and governance, this legislation ensures that the diverse and vibrant story of the Filipino people will continue to inspire future generations.

In view of the foregoing, the immediate enactment of this bill is earnestly requested.

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

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2 **HOUSE OF REPRESENTATIVES**
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15 **AN ACT TO FURTHER STRENGTHEN THE GOVERNMENT SYSTEM OF**
16 **RECORDS MANAGEMENT AND ARCHIVES ADMINISTRATION,**
17 **ESTABLISHING FOR THE PURPOSE THE NATIONAL ARCHIVES AND**
18 **RECORDS MANAGEMENT AUTHORITY, AND FOR OTHER PURPOSES**
19

20 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
21 *assembled:*
22

23 **SECTION 1.** Republic Act No. 9470, otherwise known as the "National Archives of
24 the Philippines Act of 2007," is hereby amended to read as follows:
25

26 **“ARTICLE I**
27 **GENERAL PROVISIONS**
28

29 **SEC 1. *Short Title.*** — This Act shall be known as the “National Archives and
30 Records Management Authority Act of 2024”.

31 **SEC 2. *Declaration of Policy.*** — x x x

32 **SEC 3. *Objectives.*** – This Act shall be construed and implemented to meet the
33 following objectives:

- 34 a) Strengthening the existing system of management and administration of public
35 records and archives, including electronic records;
36 b) Mandating accountability in ensuring that full and accurate records of all
37 government policy and action are created, maintained, and preserved;
38
39 c) Ensuring the systematic and timely disposal of valueless records;

- 1 d) Enhancing public confidence in the integrity of public record-keeping and
2 management;
- 3 e) Ensuring the accessibility of public records relevant to the promotion and
4 preservation of Philippine cultural heritage and the people’s right to
5 information;
- 6 f) Protecting, preserving, conserving, and promoting the nation’s documentary
7 heritage, both in the public and private sectors;
- 8 g) Supporting the safekeeping of private archives; and
- 9 h) Strengthening the role of the NARMA in developing and supporting
10 government record-keeping and archival management;

11 **SEC 4. Scope.** — This Act shall cover all records, as defined in this Act, held
12 in both government offices or private collections, as well as archival and records
13 management programs and activities in all branches of government, including local
14 government units and regional governments, constitutional offices, and other
15 government instrumentalities.

16 **SEC 5. Definition of Terms.** — For purposes of this Act, the following
17 definitions shall hereby apply:

- 18 a) **“Agency head”** refers to the person responsible for the performance of a
19 government office and/or the person responsible for the performance of an
20 LGU, such as the chief executive elected under the Local Government Code of
21 1991.
- 22 b) **“Agency Records Center”** refers to the storage of non-current records to be
23 managed and operated by each government office concerned or by a private
24 entity contracted by a government agency, as approved by the NARMA.
- 25 c) **“Approved repository”** refers to a repository to be established by the Director
26 General, which is provided under this Act.
- 27 d) **“Appraisal”** is the systematic study of records to determine whether they
28 possess archival value necessitating preservation;
- 29
30 e) **“Archives”** shall refer to:
 - 31 1) x x x
 - 32 2) x x x
 - 33 3) x x x

- 1 f) **“Archival materials”** shall refer to records, papers, periodicals, books or other
2 items, articles or materials, whether in the form of electronic, audio-visual or
3 print or other forms, which by their nature and characteristics have archival
4 value;
- 5 g) **“Archival value”** refers to the ongoing usefulness or significance of records,
6 based on the administrative, legal, fiscal, evidential, or historical information
7 they contain, justifying their continued preservation;
- 8 h) **“Audio-visual materials”** shall refer to non-textual materials such as films,
9 audio-visual negatives, prints, sound or video recordings, or digital files,
10 including, but not limited to, moving films, documentaries, and animation;
- 11 i) **“Controlling government agency”** shall refer to:
12 1) x x x
13 2) x x x
14 3) x x x
- 15 j) **“Controlling local government”** shall refer to:
16 1) x x x
17 2) x x x
- 18 k) **“Director General”** refers to the head of the National Archives and Records
19 Management Authority.
- 20 l) **“Disposal”** is the act of discarding or destruction of valueless records in
21 accordance with the provisions of this Act.
- 22 m) **“Disposition”** refers to the systematic movement of records in the office storage
23 whereby those classified as valuable records are permanently preserved and
24 those which are classified as valueless are disposed of.
- 25
- 26 n) **“Electronic records”** refer to information recorded in machine-readable form,
27 including records created, captured, generated, sent, received, and stored in
28 electronic records systems.
- 29 o) **“Estray record”** refers to a public record that is no longer under the custody
30 and control of the NARMA or a controlling government office.
- 31 p) **“Filipino masters”** shall refer to preeminent or historically noteworthy Filipino
32 artists of Philippine art historical styles, who may or may not legally qualify or
33 be otherwise proclaimed as National Artist, particularly those who died before
34 1972.

- 1 q) **“Government office”** refers to any public office in all branches, subdivisions,
2 instrumentalities, agencies and entities of the government, including, but not
3 limited to, national government agencies, constitutional offices, local
4 government units (LGUs), government-owned and controlled corporations
5 (GOCCs), state and local universities and colleges, courts, legislative and
6 judicial offices, local water instrumentalities, Philippine embassies, consulates,
7 and other Philippine offices abroad, and other instrumentalities of government.
- 8 r) **“Important cultural property”** shall refer to a cultural property that has
9 exceptional cultural, artistic, and historical significance to the Philippines, and
10 has been officially declared as such by law or the pertinent cultural agency or
11 agencies.
- 12 s) **“Judicial records”** refer to x x x.
- 13 t) **“Legislative records”** refer to x x x.
- 14 u) **“Local government archives”** refer to x x x.
- 15 v) **“Local government records”** refer to x x x.
- 16 w) **“Metadata”** refers to the context of electronic documents, which provide
17 information about the location of the document, its author, and the date it was
18 created, among others.
- 19 x) **“National Cultural Treasure”** refers to a unique cultural property found-
20 locally possessing outstanding historical, cultural, artistic, and/or scientific
21 value, is highly significant and important to the country and nation, and has
22 been officially declared as such by law or the pertinent cultural agency or
23 agencies.
- 24 y) **“National heroes”** shall refer to deceased personalities whose deeds inspired
25 the Filipinos to have a concept of a nation and to contribute to the defense,
26 interest, betterment, and quality of life of their fellow countrymen, society, and
27 homeland. They were and continuously being honored by the people nationally
28 through commemorations, monuments or shrines, coins, and stamps, among
29 others.
- 30 z) **“Non-current records”** refer to files that deal with completed or adjourned
31 business not needed for action or reference in continuing agency transactions
32 but which may be preserved and occasionally used for legal, historical or
33 operational purposes;

- 1 aa) **“Open access records”** refer to public records, whether in the custody and
2 control of the controlling government agency or the NARMA, which have been
3 in existence for at least thirty (30) years, and to which public access have not
4 been otherwise prohibited by the controlling government office or the NARMA,
5 as the case may be.
- 6 bb) **“President”** refers to the President of the Philippines.
- 7 cc) **“President’s papers”** refer to records and other documentary materials
8 created or received by the President, the President’s immediate staff, or a unit
9 or individual of the Office of the President whose function is to advise or assist
10 the President, while holding office as President of the Philippines.
- 11 dd) **“Private archives”** refer to records with archival value belonging to private
12 individuals and/or entities.
- 13 ee) **“Protected record”** refers to x x x.
- 14 ff) **“Public access registry”** refers to a register available to the public that
15 contains information regarding access to public records, including any
16 restrictions or unauthorized disclosures.
- 17 gg) **“Public Archives”** shall refer to:
- 18 1) Public records that are determined to have archival value; and
- 19 2) Private archives that are acquired by NARMA under the provisions of
20 this Act, as well as any private archives acquired by any government
21 office.
- 22 hh) **“Public records”** x x x.
- 23 ii) **“Records”** shall refer to recorded information in whatever format produced
24 or received in the initiation, conduct or completion of an institutional or
25 individual activity and that comprises content, context, and structure
26 sufficient to provide evidence of the activity.
- 27 jj) **“Records center”** refers to an intermediate repository in which noncurrent
28 records of various government offices are stored until they can be destroyed
29 or transferred to the NARMA.
- 30 kk) **“Records management”** refers to x x x
- 31 ll) **“Records Office”** refers to an organizational unit responsible for planning,
32 developing, prescribing, disseminating and enforcing policies, rules and
33 regulations, and coordinating the agency-wide records management program.
34

- 1 mm) **“Repository”** refers to a facility determined by a government office for the
2 appropriate maintenance and storage of public records.
- 3 nn) **“Restricted access records”** refers to records which access have been
4 restricted because there exists a legal impediment and/or standard or advice
5 issued by the Director General that requires such public records to be withheld
6 from public access.
- 7 oo) **“Standards”** refers to the circulars and orders issued by the Director General
8 pursuant to the provisions of this Act.
- 9 pp) **“Vital records”** refers to x x x.
- 10 qq) **“Vice President’s Papers”** refer to records and other documentary materials
11 created or received by the Vice President, the Vice President’s immediate
12 staff, or a unit or individual of the Office of the Vice President whose function
13 is to advise or assist the Vice President, while holding office as Vice President
14 of the Philippines.

15 16 **ARTICLE II**

17 **PURPOSE, OTHER PRELIMINARY PROVISIONS,** 18 **AND KEY ADMINISTRATIVE PROVISIONS**

19
20 **SEC 6. *Renaming of the National Archives of the Philippines to National***
21 ***Archives and Records Management Authority.*** — The National Archives of the
22 Philippines is hereby renamed as the “National Archives and Records Management
23 Authority” (NARMA) which shall be attached as an independent agency to the National
24 Commission for Culture and the Arts (NCCA) exclusively for program coordination.

25 **SEC 7. *Establishment, Mandate and Functions.*** —

- 26 a) The National Archives and Records Management Authority shall be the sole
27 authority in government records management and archives administration. It is
28 the mandate of the NARMA to implement the objectives and provisions of this
29 Act. It shall plan, develop, prescribe, disseminate and enforce policies, rules and
30 regulations and coordinate government-wide programs governing the creation,
31 general protection, use, storage and disposition of public records, including the
32 acquisition, storage and preservation of public archives and providing facilities
33 for reference, research, or other purposes. The NARMA shall also be the
34 primarily government agency responsible for the protection, conservation, and

1 designation, and regulation of public and private archives, including archival
2 cultural properties.

3 b) The National Archives and Records Management Authority shall have the
4 following functions:

- 5 1) Take necessary measures to classify, identify, preserve, and restore
6 public records;
- 7 2) Acquire or facilitate the acquisition of permanent and suitable buildings
8 for the NARMA to house the country's archival holdings and public
9 records;
- 10 3) Conduct archival researches using archival materials here and abroad;
- 11 4) Plan, formulate and implement a records management and archival
12 administration program for the efficient creation, utilization,
13 maintenance, retention, preservation, conservation and disposal of
14 public records including the adoption of security measures and vital
15 records protection program in the interest of disaster preparedness and
16 business continuity in government;
- 17 5) Provide technical assistance to all government offices, as well as the
18 private sector, with respect to the storage of records, and in the planning,
19 implementation and evaluation of their records management and
20 archives administration programs;
- 21 6) Conduct and accredit training programs on records and archives
22 management, including the establishment of an archival system of both
23 public and private sectors;
- 24 7) Oversee public and private archives in terms of its cultural heritage
25 preservation, conservation, protection, and regulation;
- 26 8) Acquire public records, private archives, and all other records that the
27 Director General deem to have archival value through sale, donation,
28 expropriation, or other forms of conveyance or transfer;
- 29 9) Impose administrative fines and sanctions for violation of its rules and
30 orders issued pursuant to this Act, and for obstruction or refusal to
31 comply with its lawful directives in the implementation of this Act;
- 32 10) Ensure the preservation and conservation of existing and future
33 archival resources of the government;

- 1 11) Issue, transmit and/or reproduce copies, certified true copies or
2 certifications on public archives and/or extracts thereof, subject to the
3 provisions on access in this Act and other existing laws;
- 4 12) Maintain a registry of all public records under the custody and control
5 of the NARMA which shall be made available for public inspection;
- 6 13) Obtain custody and management of all the public archives not already
7 in the custody and management of the NARMA;
- 8 14) Accept, store, preserve and conserve any public archive transferred to
9 the NARMA;
- 10 15) Establish, maintain, operate regional archives and records centers with
11 complementary archives preservation facilities, and all other related
12 facilities;
- 13 16) Prepare, publish, sell, or otherwise distribute material concerning any
14 public archives or any part of the archives or the activities, facilities,
15 and services provided by the NARMA, subject to the terms and
16 conditions on which they are obtained and subject to copyright laws.

17 **SEC 8. *Management of the NARMA.*** — The NARMA shall be headed by a
18 Director General, who shall serve as the Head of Agency of NARMA. The Director
19 General shall be assisted by three (3) Deputy Directors-General.

20 The Regional Offices shall be managed and supervised by the Director General
21 and Deputy Directors General, with the assistance of at least one (1) Director per
22 administrative region, each of whom shall have the appropriate managerial rank.

23 Each Regional Director may be assisted by an Assistant Director, each of whom
24 shall have an appropriate managerial rank. Both the Regional Director and Assistant
25 Regional Director shall be appointed by the Director General based on merit and
26 performance.

27 **SEC 9. *The Director General.*** — The Director General shall be the National
28 Archivist of the Republic of the Philippines, with the rank and emoluments of a
29 Department Undersecretary. The Director General shall be appointed by the President.

30
31 No person shall be appointed or designated as Director General of the NARMA unless
32 he/she possesses the following minimum qualifications:

- 33 a) a Filipino citizen;

- b) a holder of a master's degree in archival studies, arts, history, humanities, social studies, political science, sociology, public administration, library science, information management or a related field of study;
- c) ten (10) years of experience, preferably in records management and archives administration; and
- d) not previously found guilty of a criminal or administrative offense.

The Director General shall have a fixed term of seven (7) years. In case of vacancy in the position of the Director General during the seven-year-term, the subsequent appointee shall serve the unexpired term of the predecessor and may later be reappointed to a fresh seven-year-term.

SEC 10. *The Deputy Directors General.* — The Deputy Directors General shall have the ranks and emoluments of an Assistant Secretary. One of the Deputy Director General will be appointed by, and shall be co-terminus with, the Director General; while the other two (2) Deputy Directors General shall be career officials who shall be appointed by the President.

No person shall be appointed or designated as Deputy Director General of the NARMA unless he/she possesses the following minimum qualifications:

- a) a Filipino citizen;
- b) a holder of a master's degree in archival studies, arts, history, humanities, social studies, political science, sociology, public administration, library science, information management or a related field of study;
- c) five (5) years of experience in records management and archives administration; and
- d) Career Executive Service Eligibility (for the Deputy Directors General who are appointed by the President); and
- e) not previously found guilty of a criminal or administrative offense.

SEC 11. *Functions and Powers of the Director General.* — The Director General shall have the following functions and powers:

- a) Establish policies, standards and guidelines related to public records management and archives administration programs;
- b) Examine, identify and determine records of government agencies and classify and preserve those which are of permanent or enduring historical value;
- c) Advise on the creation, maintenance, storage, use and disposition of public records;

- 1 d) Direct and determine the necessary standards for the disposition of public
2 records;
- 3 e) Take suitable measures in preserving and conserving archival materials which
4 are under the custody of the NARMA, government offices, and private archives;
- 5 f) Acquire through transfer, donation, purchase, expropriation, or any other means
6 public records and private archives which in his or her judgment have archival
7 value;
- 8 g) Determine and establish measures on access and use of public archives;
- 9 h) Provide maintenance and security for public records in the custody and control
10 of the NARMA;
- 11 i) Report to the President any loss of public records in the custody and control of
12 the NARMA;
- 13 j) Enter into agreements with any archival or historical institutions, local and
14 abroad, to acquire or copy original documents or archival materials to enhance
15 the archival and historical holdings of the Philippines;
- 16 k) Establish and implement government-wide programs on public records and
17 archives disaster-preparedness and business continuity;
- 18 l) Establish linkages with local and foreign organizations engaged in records
19 management and archives administration;
- 20 m) Issue rules and regulations for all or any of the following purposes:
21
- 22 1) Regulating the transfer of public records from any government office to
23 the NARMA or to an approved repository;
 - 24 2) Regulating the manner of destruction or other disposal of public records;
 - 25 3) Regulating the admission of the public to the NARMA and the use by
26 the public of public archives deposited in the NARMA;
 - 27 4) Providing for the custody and preservation of Presidents' papers and any
28 other private records deposited in the NARMA, and prescribing the fees
29 to be charged for custody and preservation thereof;
 - 30 5) Prescribing forms for the proper and effective implementation of this
31 Act; and
 - 32 6) Such other matters deemed by the Director General as necessary or
33 relevant.

- 1 n) Appoint one (1) out of the three (3) Deputy Director Generals, pursuant to Sec.
2 10 of this Act;
- 3 o) Appoint as a consultant any person who possesses the ability and expertise to
4 carry out archival research, documentation work, or any activities deemed
5 necessary by the Director General;
- 6 p) Perform such other functions as may be necessary for the proper and effective
7 management of the NARMA and to fully implement this Act.

8 **SEC 12. *Power of Review.*** —

- 9 a) The Director General shall, from time to time, review or cause the review of
10 any classified records which are in the custody and under the control of the
11 NARMA.
- 12 b) For the purpose of subsection (a) and subject to subsection (c), the Director
13 General shall have the power to inspect the contents of any classified records
14 and declassify those classified records which are in the custody and under the
15 control of the NARMA.
- 16
- 17 c) The review and reclassification or declassification of any classified records
18 shall be carried out in accordance with existing laws, issuances and regulations
19 on classified documents.

20 **SEC 13. *Power to Delegate.*** —

- 21 a) The Director General may, by an instrument in writing, delegate and/or appoint
22 an acting Director General designated as officer-in-charge whenever he/she
23 shall be unable to perform the duties of his/her office due to illness, absence or
24 other cause, and in such case the person so appointed may perform all the duties
25 imposed on the Director General by law until such temporary designation is
26 deemed revoked.

27 Such power to delegate shall be subject to the provision of Section 40, Chapter
28 8, Book IV of Executive Order No. 292.

- 29 b) The Director General may also, in writing, delegate any of his/her functions
30 under this Act, subject to conditions, limitations or restrictions as he/she thinks
31 fit, to a person or class of persons who may perform those functions in the same
32 manner and with the same effect as if those functions had been conferred on
33 him or them under this Act, subject to the provision of Section 40, Chapter 8,
34 Book IV of Executive Order No. 292.

1 c) A person purporting to act pursuant to a delegation made under this section
2 shall, in the absence of proof to the contrary, be presumed to be acting in
3 accordance with the terms of the delegations.

4 **SEC 14. *Right-Sizing.*** — The Director General shall have the authority to
5 reorganize the structure of the National Archives of the Philippines, including its
6 staffing pattern, in order to carry out its functions pursuant to its expanded mandate as
7 the NARMA, subject to the approval of the Department of Budget and Management
8 and in accordance with the rules and guidelines of the Civil Service Commission.

9 **SEC 15. *Special Institutes and Archives.*** — The NARMA shall also house the
10 following special institutes and archives:

- 11 a) Archives and Records Management Training Institute;
- 12 b) Pandemic and Disaster Response Archives;
- 13 c) Oral Narratives Center;
- 14 d) Grassroots Community Archives;
- 15 e) Commemorative Archives;
- 16 f) Presidential Archives; and
- 17 g) Special Collection Archives.

18 Subject to the provisions of this Act, the Director General shall be authorized to
19 create new institutes and archives within the NARMA.

20 **SEC. 16. *Permanent Site.*** – Without prejudice to future acquisitions by the
21 NARMA, the Intendencia Building in Intramuros, Manila, as well as all other existing
22 real properties of the National Archives of the Philippines are hereby designated for the
23 use of the NARMA and shall serve as the permanent and exclusive sites of the National
24 Archives. The ownership of the Intendencia building and its associated land shall be
25 transferred to the NARMA.

26 The Director General shall have immediate custody and control of the National
27 Archives and its contents and may design, construct, purchase, lease, maintain, operate,
28 protect, conserve, restore, and improve buildings (including heritage buildings) and
29 other facilities for use by the NARMA.

30 **SEC. 17. *Establishment of an Archival Conservation Laboratory*** – The
31 NARMA shall establish an Archival Conservation Laboratory equipped with advanced
32 paper conservation tools and equipment to ensure the continued preservation of its
33 archival collection.

1 **SEC. 18. *Establishment of Regional Offices.*** – The NARMA shall establish,
2 operate, and maintain regional offices to perform active and inactive records
3 management and archives administration and preservation activities in each
4 administrative region.

5 The regional offices shall operate regional records centers and regional
6 archives, with complementary storage facilities and archives preservation facilities.

7 **SEC. 19. *Personnel Training, Development, and Performance Incentives.*** –
8 The NARMA shall undertake learning and development programs to upgrade the
9 capabilities of its personnel in the various functions of the NARMA. Personnel shall be
10 allowed to train or study in the Philippines or abroad, on official time, subject to the
11 needs of the service, upon approval of the Director General.

12 A system of monetary incentives shall be established by the NARMA to reward
13 the superior performance and milestones of professional development on the part of
14 management and administrative and technical personnel, subject to the approval of the
15 Department of Budget and Management and, where applicable, of the Civil Service
16 Commission.

17 **SEC. 20. *Trust Fund.*** – The NARMA shall establish a Trust Fund which shall
18 be sourced from fees, fines, and other income generated from its operations incidental
19 to its functions. The NARMA Trust Fund shall be used exclusively for NARMA
20 programs, activities, acquisitions, infrastructure, improvement, travels, and trainings
21 abroad, and analogous expenses. The utilization of the Trust Fund shall be subject to
22 usual government accounting and auditing rules.

23 **SEC. 21. *Retention of Income and Disposition of Donated Funds.*** – Income
24 that accrues to the NARMA from all sources of its operations shall be placed in the
25 NARMA Trust Fund and may accumulate for disbursement in future fiscal years, if not
26 used within the fiscal year in which such income was generated.

27 Donations of money to the NARMA shall also be placed in the NARMA Trust
28 Fund, to be disbursed according to the terms and purposes of the respective deeds of
29 donation, or disbursed for any purpose for the benefit of the NARMA, as may be
30 determined by the Director General, if no specific purposes are stipulated in the deeds
31 of donation.

32 The handling and accounting of such donations shall be subject to rules and
33 regulations to be prescribed by the NARMA in agreement with the Commission on
34 Audit (COA) within six (6) months after the effectivity of this Act.

- 1 c) Establishment and maintenance of mechanisms of control with respect to
2 records creation in order to prevent the creation of unnecessary records and to
3 promote the effective and economical operations of a government office;
- 4 d) Simplification of activities, systems, and processes of records creation,
5 maintenance, use and disposition of records;
- 6 e) Judicious preservation and disposition of public records;
- 7 f) Direction of continuous attention on records from their initial creation to their
8 final disposition;
- 9 g) Increase in capacity of electronic and digital forms in the maintenance, storage,
10 reproduction, and preservation of public records; and
- 11 h) Establishment and maintenance of such other systems or techniques as the
12 NARMA considers necessary to carry out the policies and objectives of this
13 Act.

14 **SEC 25. *Establishment of Records Offices in All Government Offices.*** — All
15 government offices shall each establish their archives and records office in coordination
16 with the DBM and the NARMA from their organic personnel within a year from the
17 date of effectivity of this Act. The records officer or an archivist of a government office
18 shall head the said archives and records office. The records officer shall have the duty
19 of complying with the NARMA regulations and guidelines and shall be *prima facie*
20 responsible for any failure to comply with the provisions of this Act.

21 **SEC 26. *Establishment of Agency Records Centers.*** — All government offices
22 shall establish their agency records center. These centers shall be responsible for the
23 maintenance and control of non-current records under their custody.

24
25 **SEC 27. *Establishment of a Records and Archives Management Program in***
26 ***All Government Offices.*** — All heads of government offices shall establish and
27 maintain an active, continuing program for the effective, efficient, and economical
28 management of public records and archives by their respective government offices.
29 The NARMA shall assist all government offices in the establishment of their respective
30 records and archives management programs.

31 **SEC 28. *System of Registration and Accreditation.*** — Pursuant to the
32 provisions of this Act, the NARMA shall institute a comprehensive program for the
33 registration and accreditation of various public and private archives nationwide. Such
34 system of registration and accreditation shall include among others, the mechanism for

1 updating public and private archives of recent methods, techniques and procedures in
2 records management and the annual reportorial requirements of their archival holdings.

3 **SEC 29. *Public Access Registry.*** — All government offices shall regularly
4 conduct an inventory of their public records and shall be mandated to keep the
5 following data in their respective Public Access Registry:

- 6 a) All public records under the government office's custody;
- 7 b) All public records transferred to the NARMA;
- 8 c) Public records disposed of with authority from the NARMA; and
- 9 d) Data of deferred transfer.

10 Such public access register shall also contain information on:

- 11 a) Restrictions on public access to public records;
- 12 b) Prohibitions on public access to public archives or protected records under the
13 control of the Director General; and
- 14 c) The grounds for the prohibitions and restrictions stipulated.

15 The heads of all government offices concerned shall ensure the full public accessibility
16 of said registry.

17 **SEC 30. *Records Disposition.*** — Every disposition action on a public record
18 must strictly be in accordance with the general records disposition schedule and agency
19 records disposition schedule when applicable, as submitted to and approved by the
20 NARMA.

21 **SEC 31. *General Records Disposition Schedule.*** — The NARMA shall
22 develop a general records disposition schedule that shall prescribe the disposal of public
23 records common to all government offices.

24 **SEC 32. *Agency Records Disposition Schedule.*** — All government offices
25 shall, after a periodic appraisal and review of its inventory of public records at a
26 frequency to be determined by the NARMA, submit an agency records disposition
27 schedule covering other public records not covered by the GRDS.

28 **SEC 33. *Disposal of Public Records.*** — No government office shall dispose,
29 or authorize the disposal, of any public record that is in its custody or control, except
30 with the prior written authority of the NARMA.

31 **SEC 34. *Authority for the Disposition of Public Records.*** —

- 32 a) The Director General or his/her delegate shall authorize in
33 writing the disposition of a public record, such as:

- 1) Transferring control and custody of the public record to another government office;
- 2) Transferring control and/or custody of the public record to the Director General;
- 3) Destroying the valueless public record; or
- 4) Selling the valueless public record.

b) Before authorizing a disposition of a public record under subsection (a), the head of a government office shall give the Director General at least thirty (30) days' notice prior to:

- 1) x x x;
- 2) x x x;
- 3) x x x.

SEC 35. *Transfer of Public Records to the NARMA.* — Heads of government offices shall cause the transfer of the following public records under their control and custody, to the control and custody of the NARMA:

- a) Archival materials or collections of any government office which are more than thirty (30) years old and have national and historical significance as determined by NARMA, including, but not limited to:
 - 1) as-built plans of government-owned buildings, bridges, and similar works implemented by the Department of Public Works and Highways, and by other government offices;
 - 2) noncurrent public records of a government office that has thirty (30) years or more retention periods, including inactive personnel records which are often referred to as the 201 files.
- b) Any public record, regardless of age, that, in the judgment of the Director General, have archival value to warrant their preservation;
- c) Public records of a government office that ceases to exist as a public office, or ceases to exercise a function to which its public records relate, unless otherwise provided by law;
- d) President and Vice-Presidential Papers;
- e) Civil registry records over one hundred (100) years old; and
- f) Other public records which may be transferred at the option of the heads of government agencies, subject to the acceptance of such records by the NARMA.

1 Nothing in this section shall be deemed to authorize the transfer of classified
2 records except with prior written consent of the head of the government office charged
3 with the control and custody of public records.

4 Furthermore, nothing in this section shall be construed as affecting or extending
5 the law relating to copyright.

6 Public records shall be surrendered on demand:

7 a) Public records, in the possession of a private person who has special permission
8 to keep and handle records in the course of his official duties, which in the
9 opinion of the Director General are or likely to be of permanent and enduring
10 archival value, shall, on demand by the Director General or a proper officer be
11 surrendered to the custody and control of the NARMA; and

12 b) x x x.

13 **SEC 36. *Turn-over of Presidential and Vice Presidential Papers.*** Presidential
14 Papers and Vice Presidential Papers as defined under this Act shall be transferred to the
15 NARMA within one (1) year from the end of the term of the respective President and
16 Vice President.

17 **SEC 37. *Deferred Transfer of Records.*** The Director General may defer the
18 transfer of any public records when, upon his or her determination, the immediate
19 transfer of the public records shall prejudice the administration of any government
20 office or would be contrary to public interest.

21 The Director General may also defer the transfer of any public records due to
22 logistical concerns, pending legal issues over such records, or failure of the government
23 office to comply with any procedure and conditions for transfer that the NARMA may
24 set out.

25 The requirement to transfer public records does not apply to the following
26 circumstances:

27 a) Public records whose disposition are under or part of specific acts, laws
28 regulations, or orders of a competent court, or a quasi-judicial or
29 investigatory body;

30 b) When the head of the controlling government office and the Director
31 General have agreed in writing that the transfer of the public records
32 may be deferred for a specified period that the Head and Director
33 General consider appropriate; *provided* that such deferment should not

1 exceed two (2) years, and that this deferment may be extended upon
2 approval of the Director General, which extension shall not be more than
3 two (2) years at a time;

4 c) Public records that are in electronic form, if the Director General
5 instructs the controlling government office in writing to continue to
6 maintain and control those records after the expiry of the thirty (30) year
7 period; or,

8 d) When the controlling government office has its own archival facility.

9 Every deferred transfer under this section shall be noted in NARMA's Registry,
10 and the respective registry of the government office concerned.

11 **SEC 38. *Transfer of Public Records to NARMA Records Centers*** – Whenever
12 it is in the interest of the efficient operations of a government office, the head of a
13 controlling government office may direct the transfer of such public record to a records
14 center as provided for by this Act. *Provided*, that such transfer is approved by the
15 NARMA and according to the transferring agency's Records Disposition Schedule and
16 the GRDS.

17 **SEC 39. *Regional Archives, Records Center and Agency Records Center,***
18 ***Establishment.*** — Pursuant to the objectives of this Act, the following shall be
19 established, maintained and operated by the NARMA:

20 a) ***Regional Archives*** — x x x

21 b) ***Records Centers*** — x x x

22 c) ***Agency Records Centers*** — x x x

23 **SEC 40. *Protected Records of Local Governments.*** —

24 a) The Director General may, by notice in the Official Gazette made after
25 consultation with any local government concerned, declare that a local
26 government record is a protected record for purposes of this Act.

27 b) An LGU shall provide for the adequate protection and preservation of a
28 protected record it holds, in accordance with any applicable standards or
29 instructions issued by the Director General.

30 c) An LGU shall not dispose of a protected record unless it has:

31 1) Notified in writing the Director General of its intention to
32 dispose of the protected record;

33 2) Identified the protected record concerned; and

34 3) Specified how it intends to dispose of the protected record.

- 1 d) Not later than three months after receiving written notification under
2 subsection (c)(1), the Director General shall:
- 3 1) Direct the local government in writing to transfer the protected
4 record to the control of the Director General, subject to
5 conditions agreed by the head of an LGU and the Director
6 General; or
 - 7 2) Authorize the disposal of the protected record identified under
8 subsection (c)(2).

9 **SEC 41. *Approval of Repositories.*** — The Director General or his/her delegate
10 may:

- 11 a) Bestow upon an appropriate archives, such as a museum, a library,
12 another archive or a local government repository, as an approved
13 repository where public archives may be deposited for safekeeping; and
- 14 b) Amend or revoke such grant of approval as stipulated under paragraph
15 (a) herein.
- 16 c) At any time after giving reasonable notice, inspect an approved
17 repository;
- 18 d) With the agreement of the head of the controlling government office and
19 the consent of the approved repository, deposit public archives in an
20 approved repository, or conditions on, or issue instructions to, an
21 approved repository for the purpose;
- 22 e) Impose standards of ensuring that the national interests in the public
23 archives are preserved; the public archives are properly maintained and
24 appropriate public access to the public archives is maintained; and
- 25 f) Direct an approved repository to transfer public archives to the
26 possession of the NARMA, another approved repository or the
27 controlling government office, as the case may be.

28
29 **ARTICLE IV**

30 **ELECTRONICS RECORDS MANAGEMENT**

31
32 **SEC 42. *Management of Electronic Records.*** — All government offices, with
33 existing electronic records, shall create and implement an Electronic Records

1 Management Program (ERMP), which shall be in line with the standards set under this
2 Act and other regulations which may be issued by the NARMA.

3 **SEC 43. *Electronic Records Standards*** — The following minimum standards
4 shall be imposed on electronic records management:

5 a) **Record Documentation** – Electronic records shall be created with
6 essential metadata which describe the content and structure of the record
7 as well as the background of its creation. Accurate and reliable links
8 connecting the electronic record and the transaction that will be created
9 shall be maintained.

10 b) **Record Accessibility** – The content, structure, and context of records
11 shall be transferred to and preserved in the electronic records
12 management system in an accessible and useable format until the
13 records reach the end of their retention period or until they are destroyed.

14 c) **Record Integrity** – All electronic records shall be properly secured.
15 They shall be protected throughout their retention periods from
16 intentional or accidental modifications, disclosures deletion, and
17 unauthorized access. Permission to capture, access, or destroy electronic
18 records shall only be given to authorized personnel.

19 d) **Record Security** – The agencies shall formulate their own rules on
20 access levels to include the use of usernames and passwords. Access
21 rights may be given to authorized users and/or personnel in accordance
22 with applicable provisions of the Data Privacy Act and other regulations
23 pertaining to confidential and classified records. The agency shall also
24 identify which electronic records are subject to legislative, regulatory
25 and institutional policy restrictions.

26 **SEC 44. *Electronic Record as an Official Copy*** — An electronic record shall
27 be considered as the official copy when it is created, captured, and maintained within a
28 reliable electronic recordkeeping system.

29 **SEC 45. *Inventory of Electronic Records*** — All government offices shall
30 create a records inventory of all electronic records, regardless of media. Government
31 offices shall also ensure that all electronic records are included in their respective
32 Agency Records Disposition Schedules.

1 **SEC 46. *Digitization of Paper Records*** — Records with long-term
2 administrative, legal, fiscal, or other permanent value shall be prioritized for conversion
3 to an electronic format.

4 **SEC 47. *Digitized Document as Equivalent of the Original*** — Any digitized
5 document certified as a true copy of the records under the custody of the controlling
6 government office, shall be considered an original document. Any digitized document
7 so certified by the said office shall be considered a public document, which needs no
8 further authentication in any court of law.

9 **SEC 48. *Admissibility as Evidence*** – The relevant applicable rules of judicial,
10 quasi-judicial, or administrative bodies shall determine the admissibility and manner of
11 authentication of these electronic records as evidence.

12 **SEC 49. *Copies as equivalent of the originals*** – When a document is in two or
13 more copies executed at or about the same time with identical contents, or is a
14 counterpart produced by the same impression as the original, or from the same matrix,
15 or by mechanical or electronic re-recording, or by chemical reproduction, or by other
16 equivalent techniques which accurately reproduces the original, such copies or
17 duplicates shall be regarded as the equivalent of the original. Notwithstanding the
18 foregoing, copies or duplicates shall not be admissible to the same extent as the original
19 if:

- 20 a) a genuine question is raised as to the authenticity of the original; or
21 b) in the circumstances it would be unjust or inequitable to admit a copy in
22 lieu of the original.

23 **SEC 450. *Digital Signature*** — Official digital signatures, which have
24 verifiable metadata and are password-protected, must be used on all official documents
25 which are otherwise not signed on paper.

26 **SEC 51. *Official Electronic Mail*** — Official government business must be
27 conducted only through official email accounts.

28 **SEC 52. *Preservation of Electronic Records*** — Government offices shall
29 guarantee that electronic records will not sustain any loss or alteration of information
30 at all stages of their existence. Government offices must ensure the future accessibility
31 of electronic records by developing migration and conversion strategies that are
32 designed to update hardware, software, and storage media before they reach
33 obsolescence.

1 Furthermore, government offices shall maintain appropriate back-up media and
2 systems for storing electronic records through-out the records retention period.

3 **SEC 53. *Migration of Electronic Records*** — Migration of electronic records
4 shall be required when at least one of the following conditions is present:

- 5 a) The scheduled destruction date is greater than five years from the initial
6 installation date or last major upgrade of the computer storage device or
7 software that reads, process, or maintains the records;
- 8 b) The total retention period is greater than ten years from the date the
9 records were created; or
- 10 c) Usability of the electronic records will be affected by replacements,
11 upgrades, or other changes in computer hardware or software
12 components.

13 **SEC 54. *Retention and Disposal of Electronic Records*** — The retention and
14 disposal of electronic records shall be in accordance with the approved records
15 disposition schedules and Article III, Sec. 33 of this Act.

16
17 **ARTICLE VI**

18 **STANDARDS, INSPECTION, REPORTING AND AUDIT**

19
20 **SEC 55. *Effectivity of Standards.*** — All standards issued by the Director
21 General shall be published in the Official Gazette or in a newspaper of general
22 circulation not later than ninety (90) days before its effectivity. In the absence of such
23 required publication, the NARMA shall deem it not effective.

24 **SEC 56. *Inspection Powers.*** — The Director General may, after giving
25 reasonable notice to a government office or private archive concerned, review the
26 records management and archives administration practices and programs of any
27 government office, determine the effectiveness and compliance of such practices and
28 programs with this Act, and make the necessary recommendation or directive for
29 correction or improvement of records management; *Provided*, that during the conduct
30 of inspection, the Director General or his/her authorized representative may require the
31 production of documents or archives.

32 However, the Director General is prohibited from exercising such power to
33 inspect in cases where public records:

- 34 a) carry security classifications; and,

1 b) are restricted by other legislation without the consent of the head of the
2 controlling government office.

3 The provision of this section applies, with the necessary modifications, to local
4 government records and local government archives.
5

6 For this purpose, the NARMA shall adopt an operational guideline and rules of
7 procedure. The Director General or his/her delegate shall have the power to cite the
8 responsible official/s for contempt for violations thereof.

9 **SEC 57. *Direction to Report to the Director General.*** — The Director General
10 may give notice in writing directing the head of a government office or of an approved
11 repository to report to the Director General or to any other person on:

- 12 a) Any specified aspect of its record keeping practice; or
13 b) The public records that it controls or, in the case of an approved
14 repository, has possession of.

15 **SEC 58. *Annual Report on Record Keeping.*** — The Director General shall
16 make an annual report to the President on the state of record keeping within government
17 offices. Such report shall be included in the annual report given to the President where
18 the same shall be furnished to the Congress.

19 **SEC 59. *Public Records Management Audit.*** — The Director General or
20 his/her delegate shall be authorized to conduct a periodic records management audit in
21 all government offices and other public archives. All heads of each government office,
22 whether national or local, shall grant access to all of their records for audit purposes.
23 The audit shall be conducted after five (5) years from the date of effectivity of this Act
24 and five (5) years thereafter, or as otherwise required under pertinent rules.

25 For this purpose, the Director General may deputize the respective records
26 officers of the concerned agencies or office to assist him/her in the conduct of the audit;
27 provided that the audit/inspection of consular offices, embassies, and other government
28 agencies outside the Philippines shall be conducted every five (5) years.
29

30 ARTICLE VII

31 ARCHIVES ADMINISTRATION

32
33 **SEC 60. *Access Status.*** — When public records have been in existence for
34 thirty (30) years or more are about to be transferred to the custody and control of the

1 NARMA, the head of the controlling government office shall classify the records as
2 either:

- 3 a) Open access records, which may be freely accessed by the public; or
- 4 b) Restricted access records, which must be withheld from the public as
5 required by law or as deemed necessary by the head of government
6 office.

7 At the time of original classification, the controlling government office shall
8 establish a specific date or event for declassification based on the duration of the
9 national security sensitivity of the information, which period shall not exceed 30 years.
10 Such period may be extended upon approval by the Director General of the request by
11 the controlling government agency, which extension shall not be more than five (5)
12 years at a time.

13 **SEC 61. *Grounds for Determining Access Status.* —**

- 14 a) In classifying the access status of a public record under Section 60, the
15 head of the controlling government office shall consider existing rules
16 and regulations on classified records.
- 17 b) x x x
- 18 c) If there are good reasons for restricting public access under subsection
19 (a), or if such legal impediment exists requiring such public record to be
20 withheld from public access, the head of the controlling government
21 office shall, in consultation with Director General, determine the
22 necessity to restrict public access to the public record for a specified
23 period of time or permit such public access with conditions.
- 24 d) The head of a controlling government agency may, at any time, in
25 consultation with the Director General, vary or withdraw a condition
26 imposed on public access records.
- 27 e) x x x
- 28 f) The NARMA shall comply with the conditions of public access imposed
29 under subsection (c).
- 30 g) A restriction on public access to a public record shall be noted in the
31 Public Access Registry.
- 32 h) x x x

33 **SEC 62. *Access Status of Local Government Records.* — x x x.**

1 **SEC 63. Grounds for Determining Access Status of Local Government**
2 **Records.** — x x x.

3 **SEC. 64. Access to Public Archives.** – Any person may, for the purpose of
4 reference or research, inspect any public archives or public records made available to
5 the public; *Provided*, that all conditions or restrictions imposed by the government
6 office from which the public records were acquired and/or by the NARMA are met.

7 **SEC 65. Public Inspections of Open Access Records.** — Unless this Act or its
8 pertinent implementing rules and regulations provides otherwise, an open access record
9 shall be made available for inspection by the public as soon as it is reasonably
10 practicable after a request to inspect the record is made to the government office, the
11 approved repository, or the NARMA, whichever has possession of the open access
12 record.

13 **SEC 66. Publication or Copying of Public Archives under the NARMA.** —
14 The Director General may, subject to condition that he/she deems appropriate,
15 authorize, in writing, the publication or replication of a public archive that is an open
16 access record.

17 **SEC 67. Prohibition on Public Access or Replication.** — Accessing or
18 replicating a public archive or protected record which is under the control and custody
19 of the NARMA shall be deemed prohibited. Such prohibition on public access shall be
20 noted in the Public Access Registry.

21 **SEC 68. Restricted Access Records.** — The period for which public access to
22 a public record may be restricted, may upon the written request of the Director General,
23 be reviewed after the expiry of ten (10) years from the date that the restriction is
24 recorded in the Public Access Registry: *Provided*, That before its expiry, it may be
25 extended for further periods as specified by the head of the controlling government
26 office.

27 **SEC 69. Creation of Archival Preservation Copies.** — The NARMA shall
28 ensure continued access to its archival collection through the creation of preservation
29 copies of its archival records in various preservation formats, such as but not limited
30 to, microfilms and microfiche.

31 **SEC 70. Protection of Records and Archives against Disasters.** — The
32 NARMA shall establish standards and guidelines for the protection of records and
33 archives during natural disasters and human-induced calamities. It will also ensure
34 close coordination with relevant government agencies to ensure that records and

1 archives are protected and preserved during natural disasters and human-induced
2 calamities.

3 **SEC 71. *Inalienability and Imprescriptibility of Public Records and Public***
4 ***Archives.*** — All public records and public archives are inalienable and cannot be
5 removed, abandoned, destroyed or transferred from the agency having custody of the
6 records without the authorities under this Act or its implementing rules.

7 The NARMA shall have the right to recover, manage, and retain
8 custody/possession of any and all stray records at any time. Furthermore, the
9 NARMA may compel any person to surrender an stray record at any time after due
10 notice.

11 The head of the concerned government office shall notify the NARMA of any
12 actual, impending, or threatened unlawful removal, sale, unauthorized reproduction,
13 defacing, alteration, corruption, deletion, erasure, or other destruction of records in the
14 custody of a government office. The NARMA shall then initiate action for the recovery
15 and protection of such public records.

16 **SEC 72. *Procurement of Items for the NARMA Collections.*** — The
17 procurement of unique, special, and/or original items with national importance by the
18 NARMA for its collections, charged to any of its sources of funds as may be allowed,
19 shall be exempted from applicable laws, rules, and regulations regarding government
20 procurement.

21 The NARMA shall be allowed to procure collections or items by means of
22 direct negotiation with the owners of such items, or their duly designated agents or
23 representatives, in the Philippines and abroad.

24 Furthermore, nothing in this section shall be construed as affecting or extending
25 the law relating to copyright. Notwithstanding the provisions of the Intellectual
26 Property Code (RA 8293 as amended), copyright of properties acquired pursuant to the
27 preceding sections shall belong to NARMA, unless otherwise stipulated.

28 **SEC 73. *Procurement through Public Auction.*** — The NARMA shall be
29 authorized to procure unique, special, and/or original items for its collections through
30 bidding at public auctions, including online public auctions. For each item, the Director
31 General shall predetermine an appropriate price ceiling based on his or her judgment
32 of the fair market valuation of the same, exclusive of commissions, fees, charges, taxes
33 and other associated expenses.

1 **SEC 82. *Cease and Desist Orders.*** – Whenever the Director General, or his/her
2 delegate, has reasonable basis to believe that a person has violated, or is about to violate
3 this Act, or a rule, regulation, or order of NARMA, he or she may direct such person to
4 desist from committing the act constituting the violation.

5 The Director General, or his/her delegate, may issue a cease-and-desist order *ex*
6 *parte* to enjoin an act or practice which is fraudulent or can be reasonably expected to
7 cause significant, imminent, and irreparable danger or injury to public safety or welfare
8 in relation to the purposes and objectives of this Act. The *ex parte* order shall be valid
9 for a maximum period of twenty (20) days, without prejudice to the order being made
10 permanent after due notice and hearing.

11 **SEC 83. *Contempt.*** – Any person who, without justifiable cause, fails or
12 refuses to comply with any lawful order, decision, or subpoena issued by the Director
13 General, or his/her authorized officer/s, shall, after due notice and hearing, be held in
14 contempt and fined in an amount not exceeding Thirty thousand pesos (₱30,000.00).
15 When the refusal amounts to clear and open defiance of the NARMA’s order, decision,
16 or subpoena, the NARMA may impose a daily fine of One thousand pesos (₱1,000.00)
17 until the order, decision, or subpoena is complied with.

18 **SEC. 84. *Administrative Fines or Sanctions*** – If, after due notice and hearing,
19 the NARMA finds that (a) there is a violation of its rules and orders issued in pursuance
20 to this Act; (b) there is obstruction or refusal to comply with NARMA’s lawful
21 directives in the implementation of this Act; or (c) there is a conduct of seminars,
22 trainings, and lectures regarding public records disposition without authority from the
23 Director General, it shall, in its discretion and based on the attending facts and
24 circumstances and with regard to the gravity and willfulness of the violation, impose
25 an administrative fine of not less than Fifty Thousand Pesos (PhP 50,000.00), nor more
26 than One Million Pesos (PhP 1,000,000.00), plus not more than Two Thousand Pesos
27 (PhP 2,000.00) for each day of continuing violation, with legal interest.

28 The imposition of an administrative fine or sanction shall be without prejudice
29 to any criminal or civil liability of the offender.

30 The Director General shall have the power to issue writs of execution to enforce
31 the provisions of this Section and to enforce payment of the fees herein. The fees
32 collected under this Section shall be forwarded and remitted to the NARMA Trust Fund
33 created under Sec. 19 of this Act.

1 **SEC 85. Offenses and Penalties.** — The following acts are hereby deemed
2 unlawful and subject to the corresponding penalties:

- 3 a) Willfully or negligently altering, damaging, or destroying/disposing of
4 any public record in the possession of NARMA and other government
5 agencies, other than in accordance with the provisions of this Act –
6 imprisonment of no less than five (5) but no more than ten (10) years
7 and/or a fine of no less than Five Hundred Thousand Pesos
8 (P500,000.00) but no more than One Million Pesos (P1,000,000.00), at
9 the discretion of the court;
- 10 b) Transferring a public record outside of the Philippines without the
11 express written authority of the Director General – imprisonment of no
12 less than five (5) but no more than ten (10) years and/or a fine of no less
13 than Five Hundred Thousand Pesos (P500,000.00) but no more than One
14 Million Pesos (P1,000,000.00), at the discretion of the court;
- 15 c) Selling of public archives within the custody of the NARMA, without
16 the NARMA’s authority – imprisonment of no less than five (5) but no
17 more than ten (10) years and/or a fine of no less than Five Hundred
18 Thousand Pesos (P500,000.00) but no more than One Million Pesos
19 (P1,000,000.00), at the discretion of the court; and

20 Any public officer committing any of the unlawful acts prohibited under this
21 Act shall be punished by an additional fine of not less than Five hundred thousand pesos
22 (P500,000.00) but not exceeding One million pesos (P1,000,000.00) and/or additional
23 imprisonment for not less than five years but not more than fifteen (15) years and/or
24 both fine and imprisonment at the discretion of the court without prejudice to the filing
25 of administrative charges that would result to such public officer’s perpetual
26 disqualification from public office, and forfeiture, in favor of the government, of his/her
27 salary and other lawful income.

28 The violation of the provision of this Section proven in a proper administrative
29 proceeding shall be sufficient cause for removal or dismissal of a public officer, even
30 if no criminal prosecution is instituted against him/her.

31 A person convicted of an offense under this section may, in addition to any
32 penalty imposed for violation, be prohibited by order of the court from having access
33 to the NARMA for any period that the court deems appropriate.

34 **SEC 86. Competent Court.** — x x x.

1 **SEC 87. *Prescription of Offenses.*** — x x x.

2 **SEC 88. *Termination of Office.*** — x x x.

3 **SEC 89. *Suspension and Loss of Benefits.*** — x x x.”

4
5 **SECTION 2. *Transitory Provisions.*** — All the assets, fixed and movable, and all
6 contracts, documents, and records of the National Archives of the Philippines relative to its
7 operation are hereby transferred to the NARMA.

8 All agreements and contracts entered into by the National Archives of the Philippines
9 shall remain in full force and effect unless otherwise terminated, modified, or amended.

10 The incumbent Executive Director and Deputy Executive Directors of the National
11 Archives of the Philippines shall continue to serve in their respective capacity as the Director
12 General and Deputy Directors General of the NARMA for one year after the effectivity of this
13 Act, or until the completion of their respective terms of office as granted under Republic Act
14 No. 9470, whichever is longer, unless such terms of office are extended by the President:
15 *Provided*, that such extension shall not exceed five (5) years, after which, the new Director
16 General shall serve seven (7) years, pursuant to Sec. 10 of this Act.

17 Employees of the National Archives shall be absorbed by the NARMA on the basis of
18 merit and fitness: *Provided*, that employees who shall be separated from the service as a result
19 of the abolition shall receive retirement and other benefits to which they are entitled under
20 existing laws.

21 The necessary plantilla positions and organizational units within the NARMA,
22 including the additional positions of Deputy Directors Generals and Regional Directors, shall
23 be established in coordination with the Department of Budget and Management.

24
25 **SECTION 3. *Appropriations.*** — The amount of Two Hundred Million Pesos (PHP
26 200,000,000.00) necessary to carry out the provisions of this Act shall be appropriated from
27 the funds not otherwise appropriated and are available in the National Treasury. Thereafter,
28 such sums as may be necessary for the continued implementation of this Act shall be included
29 in the annual General Appropriations Act.

30
31 **SECTION 4. *Implementing Rules and Regulations.*** — Within ninety (90) days from
32 the effectivity of this Act, the NARMA shall promulgate the necessary rules and regulations
33 for the proper implementation of this Act.

1 **SECTION 5. *Separability Clause.*** — Should any portion or provision of this Act be
2 declared unconstitutional, the same shall not affect the validity and effectivity of the other
3 portions or provisions hereof not affected thereby.

4
5 **SECTION 6. *Repealing Clause.*** - All other laws, presidential decrees, executive
6 orders, and rules and regulations inconsistent with the provisions of this Act are hereby
7 repealed or modified accordingly.

8
9 **SECTION 7. *Effectivity.*** - This Act shall take effect after fifteen (15) days following
10 the completion of its publication in the Official gazette or in a newspaper of general circulation.

11
12 *Approved,*