

IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11392, “AN ACT ESTABLISHING A FRAMEWORK FOR THE SELECTION OF NATIONAL PERFORMING ARTS COMPANIES, DESIGNATING FOR THE PURPO...

IRR of REPUBLIC ACT NO. 11392, July 30, 2021

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Pursuant to Section 38 of Republic Act No. 11313, otherwise known as the Safe Spaces Act, the following rules and regulations are hereby issued:

RULE I

TITLE AND DECLARATION OF POLICY

SEC. 1. Short Title. - These rules and regulations shall be known as the Implementing Rules and Regulations (IRR) of Republic Act No. 11392 otherwise known as the "National Performing Arts Companies Act".

SEC. 2. Declaration of Policy. - Pursuant to Article II, Sections 17 and 23, Article XIV, Sections 14, 15, and 18(2) of the Constitution, it is hereby declared the policy of the State to appropriately recognize, designate, and support non-government organizations that have demonstrated pioneering, consistent and unassailable competence, effectiveness and success in the development, training, documentation and performance of ballet and contemporary dance, orchestral music, choral music, and theater.

RULE II

**DESIGNATION AS NATIONAL PERFORMING ARTS COMPANIES;
DEFINITION OF TERMS AND ROLES AND FUNCTIONS**

SEC. 3. Designation as National Performing Arts Companies. - A National Performing Arts Companies (NPAC) is hereby designated for a period of five (5) years from the following performing arts genres:

- (a) One (1) National Ballet/Contemporary Dance Company;
- (b) One (1) National Theater Company;
- (c) One (1) National Orchestra;
- (d) One (1) National Choral Company; and
- (e) One (1) National Indigenous Performing Ensemble.

SEC. 4. Definition of Terms. - For the purposes of this Act, the following terms shall be defined as follow:

- (a) National Performing Arts Company refer to any of the organizations from the art genres enumerated from (a) to (e) of Section 3 above.

(b) National Ballet/Contemporary Dance Company refers to an arts organization which is proficient in both classical ballet and contemporary dance, with an extensive repertoire that includes works in both forms and variations thereof.

The company should have a history of performing a regular concert season in a legitimate, recognized performance venue anywhere in the country, and should also have had performances or projects in areas outside its home base. The company should also have undertaken international tours whereby they promote Filipino culture and artistic excellence.

The company should also have a significant body of original works in classical and contemporary dance, with a Filipino character or flavor that makes it distinct and unique in the national and global dance arena.

(c) National Theater Company refers to an arts organization with a significant history and highly regarded track record in the creation, performance, and dissemination of theatrical work and pedagogy that tackles themes and stories relevant to Philippine identity, culture, and society.

(d) National Orchestra refers to an arts organization with a significant history and highly regarded track record in the production, performance, and dissemination of Philippine Traditional, Asian, and Western musical symphonic works like, but not limited to the rondalla, symphony orchestra, and bamboo orchestra.

(e) National Choral Company refers to an arts organization with a significant history and highly regarded track record in the creation, production, performance, and dissemination of choral music works and pedagogies from the Philippine and international repertoire.

(f) National Indigenous Performing Ensemble refers to a group of artists, either for music or dance or a combination, from the cultural communities of the Indigenous People or the Muslim Cultural communities who are recognized nationally and regularly conduct performances and other arts activities.

SEC. 5. Roles and Functions. - A National Performing Arts Company shall have the following roles and functions:

(a) Undertake a continuing program of training and education for the professional development of performing artists, teachers, directors, designers, performing arts managers, and other artists particular to its performing arts field; and present, at least one (1) lecture-demonstration for select audience (most preferably the youth) at the CCP free of charge.

(b) Conduct research relative to particular performing arts and undertake documentation of its activities and programs for the preservation and dissemination of Filipino masterpieces in the performing arts; and furnish the CCP and the NCCA a copy of research materials, which CCP and NCCA may use for educational purposes;

(c) Organize and present a regular annual session of performances at the Cultural Center of the Philippines (CCP) subject to the following conditions:

1. The performances shall not exceed two (2) performances within a period of one (1) year;
2. The date of the performance will be subject to the availability of the CCP venue; and
3. Each performance shall be the subject of a Memorandum of Agreement between CCP and the National Performing Arts with respect to sharing of ticket sales, cancellation, expenses, outreach, theater rules, among other things.

(d) Develop and build a repertoire of original Filipino works that will help define our national cultural identity;

- (e) Maintain and promote a standard of artistic excellence in its field that will help elevate the performing arts in the country;
- (f) Conduct national outreach and exchange program of performances, workshops, and seminars for the development and promotion of the performing arts in the regions;
- (g) Undertake international outreach program as Philippine cultural ambassadors and perform during State functions for visiting dignitaries;
- (h) Conduct continuing audience development program and help promote greater awareness and appreciation of the performing arts among the public; and
- (i) Maintain a viable and sustainable performing arts organization and help set a standard for effective and efficient performing arts management. Thus, the National Performing Arts Company must be:
 - 1. Financially capable to handle its funds;
 - 2. Registered with the Securities and Exchange Commission; and
 - 3. Accredited as a non-governmental organization pursuant to Executive Order No. 720 issued on April 11, 2008.

RULE III

THE IMPLEMENTING AGENCY, THE SELECTION COMMITTEE,

AND THE SECRETARIAT

SEC. 6. The Implementing Agency. - The Cultural Center of the Philippines, in consultation with the National Commission for Culture and the Arts, is tasked to implement this Act.

SEC. 7. The Selection Committee. - The Selection Committee, an Ad Hoc Committee, for the National Performing Arts Companies composed of fifteen (15) members, who shall be chosen from a panel of experts knowledgeable in the artistic and technical aspects of the performing arts, shall be designated by the President of the Cultural Center of the Philippines and the Chairman of the National Commission for Culture and the Arts (NCCA)..

SEC. 8. The members of the Selection Committee shall elect a Chairperson from among themselves.

SEC. 9. The members of the Selection Committee shall elect a Chairperson from among themselves.

SEC. 10. The Selection Committee members shall be chosen based on the following criteria:

- (a) Expertise and knowledge in the artistic and technical aspects of the performing arts of their particular discipline/genre;
- (b) Has broad exposure on the performing arts companies in the Philippines;
- (c) Has no affiliation with any nominated performing arts company;
- (d) Not connected, in any official capacity, with either the CCP or the NCCA.

SEC. 11. The Selection Committee shall have the following functions:

- (a) Draw up the appropriate guidelines for the selection process of the National Performing Arts Companies;
- (b) Adopt the procedures for the selection of the National Performing Arts Companies.

SEC. 12. The Secretariat. - The Selection Committee shall be assisted by a Secretariat with at least three (3) personnel to be hired by the President of the CCP and with compensation and payment of other expenses charged to the fund sources of this Act.

RULE IV

CRITERIA, PROCEDURES AND GUIDELINES FOR SELECTION OF

THE NATIONAL PERFORMING ARTS COMPANIES

SEC. 13. Criteria for Selection. - The Selection Committee shall select the National Performing Arts Companies based on the following criteria:

- (a) It is national in scope, as it tackles and presents the arts, culture, traditions, issues and concerns of the nation, drawing the best talents from all over the country and contributing to the development of a national cultural consciousness;
- (b) It maintains the highest standards of artistic excellence manifested in the quality of its performances, artists, training programs, and other activities;
- (c) It is world-class, having represented the country in numerous touring engagements, festivals, competitions and international events, and having been acclaimed by foreign organizations, audiences and critics alike;
- (d) It has maintained a professional track record of regular and continuing set of activities in pursuit of its mission;
- (e) It is able to maintain a viable and sustainable organization to support its programs and shall thus have the capability to match the allocated annual subsidy from the government. It is, thus, important that the National Performing Arts Company must meet the following criteria:
 - 1. It must be financially capable to handle its funds;
 - 2. It must be registered with the Securities and Exchange Commission; and
 - 3. It must be an organization accredited pursuant to Executive Order No. 720, issued on April 11, 2008; and
- (f) It does not receive a regular annual subsidy from the Government.

SEC. 14. The Procedure for Selection. The Selection Committee shall adopt the following procedures for selection of the National Performing Arts Company:

- (a) Call for applications to different performing arts companies based on the guidelines set by the Selection Committee;
- (b) Conduct a first screening as an assessment by the Secretariat of the applications received based on preselection criteria stated in the guidelines set by the Selection Committee;
- (c) Conduct a second screening as further evaluation by the Selection Committee of the applications received based on the criteria set in Section 12 above;
- (d) Conduct a final selection of the qualified National Performing Arts Companies consisting of:
 - 1. One (1) qualified applicant for ballet and contemporary dancer;

2. One (1) qualified applicant for theater;
3. One (1) qualified applicant for orchestral music;
4. One (1) qualified applicant for choral music;
5. One (1) qualified applicant for indigenous performing ensemble.

(e) Select an additional fifteen (15), or three (3) from each of the next most qualified applicants of the aforementioned performing arts companies, that shall be the beneficiaries of a separate subsidy program.

(f) The results of the final selection shall be ratified jointly by the NCCA Board of Commissioners and the CCP Board of Trustees.

SEC. 15. The Guidelines for Selection. - The Selection Committee shall draw up the appropriate guidelines for the selection process of the National Performing Arts Companies.

RULE V

ENTITLEMENTS, REMUNERATIONS,

APPROPRIATIONS AND MONITORING

SEC. 16. Entitlements. - The National Performing Arts Companies, namely the National Ballet/Contemporary Dance, the National Theater Company, the National Orchestra, the National Choral Company, and the National Indigenous Performing Ensemble shall be entitled to the following:

A. Appropriations

1. Ten million pesos (Php10,000,000.00) a year each for the National Ballet/Contemporary Dance Company, the National Theater Company, and the National Orchestra Company, for a period of five (5) years;
2. Five million pesos (Php5,000,000.00) a year each for the National Choral Company and the National Indigenous Performing Ensemble for a period of five (5) years;
3. A maximum of fifteen (15), or a maximum of three (3) from each of the next most qualified applicants of the performing arts companies mentioned, shall be entitled to a subsidy of One million pesos (Php1,000,000.00) a year for a period of five (5) years, renewable upon evaluation, documentation, and commissioned work.
4. Such amounts to be appropriated for the National Performing Arts Companies may be subject to adjustments once every five (5) years after the effectivity of the law.
5. The amount necessary to implement the provision of the law shall be included in the budget of the CCP in the annual General Appropriations Act.

B. Other entitlements

1. Free and equitable use of government facilities and cultural venues, specifically the CCP, the Tanghalang Balagtas, and other government venues devoted to cultural and artistic performances, based on a stipulated frequency of usage;
2. Access to grants for research, documentation, productions, workshops, trainings and audience development programs from the NCCA, subject to proper evaluation and availability of funds; and

3. Intellectual property rights to their work, including music, choreographs, and other artistic creations. Likewise, they shall enjoy the right to public performance fixation. They shall further be entitled to the reproduction, authorization, and distribution of fixations in accordance with intellectual property laws.

4. Such amounts to be appropriated for the National Performing Arts Companies may be subject to adjustments once every five (5) years after the effectivity of the law.

5. The amount necessary to implement the provisions of the law shall be included in the budget of the CCP in the annual General Appropriation Act.

SEC. 17. Monitoring and Evaluation of the Performance and Accomplishments of the Performing Arts Committees. - The Secretariat of the National Performing Arts Companies shall establish appropriate monitoring mechanisms to ensure the accomplishments of the defined roles and functions of the National Performing Arts Companies and ensure that the standard of excellence are met and sustained.

RULE VI

TAX EXEMPTION

SEC. 18. Tax Exemption. - Any donation, contribution, bequest, and grant, which may be made to the National Performing Arts Companies to be used actually, directly and exclusively by the National Performing Arts Companies shall be exempt from donor's tax and the same shall be considered as allowable deduction from the gross income of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended: Provided, that such National Performing Arts Companies are accredited non-government organizations pursuant to Executive Order No. 720 issued on April 11, 2008.

RULE VII

AMENDMENTS

SEC. 19. Amendments. - Any amendments to this Implementing Rules and Regulations (IRR) shall be formulated and approved by the President of the CCP, in consultation with the Chairman of the NCCA.

RULE VIII

FINAL PROVISIONS, SEPARABILITY, REPEALING, AND EFFECTIVITY CLAUSES

SEC. 20. Separability Clause. - If any provision of this IRR is held invalid or unconstitutional, the other provisions not so declared shall remain in force and effect.

SEC. 21. Effectivity. - These Implementing Rules and Regulations shall take effect thirty (30) days after its publication in two (2) newspapers of general circulation.

Approved. July 2021

(SGD.) ARSENIO J. LIZASO

President

Cultural Center of the Philippines

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