

## IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 7356 KNOWN AS THE LAW CREATING THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS

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### Article I

#### General Provisions

1.0 Legal Basis and Purpose — Pursuant to Republic Act No. 7356 entitled "An Act Creating the National Commission for Culture and the Arts, establishing a National Endowment Fund for Culture and the Arts, and for Other Purposes," these implementing rules and regulations are issued to ensure the smooth, orderly, speedy, and effective implementation of the law.

1.1 Coverage, Application and Scope — These implementing rules and regulations shall be implemented and complied with by the National Commission for Culture and the Arts, hereinafter referred to as the Commission, and by the attached cultural agencies.

1.2 Declaration of Policy. It is hereby declared the policy of the State to place culture and arts under its patronage to be conserved, promoted and disseminated, evolved and developed by the people themselves in a climate of freedom and responsibility. Towards this end, the State shall forge a system of coordination, cooperation, and support among the citizenry, artists, and cultural workers, public and private cultural agencies, and all units created under the Act.

### Article 2

#### National Commission for Culture and the Arts

#### 2.0 The Commission — The Commission is created to

- (a) formulate policies for the development of culture and arts;
- (b) implement these policies in coordination with affiliated cultural agencies;
- (c) coordinate the implementation of programs of these affiliated agencies;
- (d) administer the National Endowment Fund for Culture and the Arts;
- (e) encourage artistic creation within a climate of artistic freedom;
- (f) develop and promote the Filipino national culture and arts;
- (g) preserve Filipino cultural heritage; and
- (h) enhance and integrate traditional culture and their creative expressions within the national cultural mainstream.

The Commission is an independent agency and renders an annual report of its activities to the President and to Congress. (Section 8)

2.1 Composition of the Commission — The Commission shall be composed of fifteen (15) members who shall be known as the NCAA Board of Commissioners. (Section 9)

- The ex officio members of the Commission shall be the following:
- the Undersecretary of the Department of Education, Culture and Sports;
- the Undersecretary of the Department of Tourism;
- the Chairman of the House Committee on Culture;
- the Chairman of the Senate Committee on Culture;
- the President of the Cultural Center of the Philippines;
- the Executive Director of the National Historical Institute;
- the Director of the National Museum;
- the Director of National Library;
- the Director of the Institute of Philippine Languages, now the Chairman of the Commission on the Filipino Language;
- the Director of the Records Management and Archives Office
- the Executive Director of the Commission.
- The non-ex officio members of the Commission shall be the Heads of the following Subcommissions;
- Subcommission on Cultural Communities and Traditional Arts
- Subcommission on Cultural Heritage
- Subcommission on the Arts
- Subcommission on Cultural Dissemination.

The Heads shall be elected by the chairpersons of the National Committees under their respective Subcommissions. The Heads of the Subcommissions on Cultural Heritage, the Arts and Cultural Dissemination shall come from the private sector, while the head of the Subcommission on Cultural Communities may preferably come from the private sector.

The Chairman of the Commission shall be elected by the members from among themselves.

2.2 Term of Office —

- Non-ex officio members (Section 10) shall serve for a term of three (3) years and shall not serve for more than two terms.
- Ex officio members shall be coterminous with their positions;
- The elected chairman shall be coterminous with his/her term of office.

2.3 Temporary Incapacity of the Chairman — An Acting Chairman shall be elected by the Commission in case of absence due to temporary incapacity of the Chairman. In case of death or permanent incapacity or disqualification of the Chairman, the Acting Chairman shall act as such until a new Chairman shall have been elected by the members of the Commission.

2.4 Removal from Office — The members of the Commission may only be removed from office for a just cause. All vacancies in the Commission, except through expiration of term, shall be filled up for the unexpired term only; Provided, that any person who shall be appointed in this case shall be eligible for regular appointment for another full term.

2.5 Membership Restrictions — During his/her term as member of the Commission, a Commissioner shall not be eligible for any grant, or such other financial aid from the Commission as an individual. However, he/she may compete for grants and awards on the same level as other artists one (1) year after his/her term shall have expired. (Section 11).

2.6 Per Diems — The non-ex officio members shall receive a per diem of one thousand pesos (P1,000) for actual attendance in the meetings of the Commissioners but not to exceed five thousand pesos (P5,000) a month and shall be reimbursed travel expenses incurred for actual attendance of the meetings.

Ex officio members shall receive representation and travel allowances (RATA) in accordance with rates recommended by the Department of Budget and Management. (Section 10)

2.7 The Commission shall recommend three (3) names to the President for vacancies for the position of Director of a Cultural Agency.

2.8 All recommendees to the Assistant Director position shall be coursed by the Director of the agency concerned through the Commission for submission and approval by the Office of the President.

### Article 3

#### Meeting of the Commission

3.0 Regular Meetings — The Commission shall meet every first (1st) Tuesday of each month at 12:00 noon.

3.1 Special Meetings — The Special meeting of the Commission can be called by the Commission Secretary at the request of the Chairman or any member of the Commission.

3.2 Place of Meeting — The Commission meeting, whether regular or special, shall be held at the head office of the Commission or at any place designated by the Board of Commissioners.

3.3 Notice of Special Meetings — Notices for special meetings shall be made by the Commission Secretary at least two (2) days prior to the date of the meeting.

3.4 Quorum — Unless otherwise provided by law, in all regular or special meetings, a majority of the members of the Commission must be present or represented in order to constitute a quorum. In case of lack of quorum, all matters resolved in said meeting shall be ratified in the next regular meeting or in a special meeting called to constitute an official act of the Commission.

3.5 The Commission shall constitute an Executive Committee, composed of nine (9) members, to address urgent matters between regular meetings. All cultural agency heads should be members of the EXCOM.

3.6 Conduct of Meetings — Meetings of the Commission shall be presided by the Chairman, or in his absence, an acting chairman to be chosen by the members present.

3.7 Minutes of the Meetings — The Commission Secretary shall prepare the minutes of the meetings including resolutions, certificates and documentations of matters discussed. The Head of the Legal Affairs Office of the Commission shall act as the Commission Secretary and official custodian of the minutes and resolutions of the Commission's meetings.

## Article 4

### National Cultural Agencies

4.0 The National Cultural Agencies — The Commission shall coordinate with the national cultural agencies including but not limited to the Cultural Center of the Philippines (CCP), the National Museum (NM), including its Natural Science Division and Planetarium the Institute of Philippine Languages (IPL), now the Commission on the Pilipino Language (CFL), the National Historical Institute (NHI), the National Library (TNL), the Records Management and Archives Office (RMAO). However, they shall continue operating under their respective charters as provided by law where provisions therein are not inconsistent with the provisions of this Act. They shall serve as institutions of basic research on culture and national cultural heritage. They shall also serve as the national repositories and/or showcases as the case may be, of the best that Philippine culture and arts can offer. For this purpose, these agencies shall submit periodic reports, including recommendations to the Commission. (Section 18).

4.1 Power of the Commission — The Commission shall have administrative supervision over the attached cultural agencies as enumerated above (Section 4.0) based on the following provisions of the Law:

- a. Section 8 states that the Commission is "created to formulate policies for development of culture and arts, implement these policies in coordination with affiliated cultural agencies and coordinate the implementation of programs".
- b. Section 12 mandates the Commission "to formulate and implement policies in accordance with the principles stated in Title I of this Act."
- c. Section 13-C gives the Commission the power to "set up a system of networking and coordination among all existing government cultural agencies for the effective implementation of programs and activities."
- d. Section 23-b states that "within a period of one (1) year after the first meeting of the Commission, it shall harmonize the policies of the cultural agencies referred to, but not limited to those enumerated in Section 18 of this Act, with those of the Commission as over-all policy-making and coordinating body, as herein indicated.
- e. Section 26 states "All laws, rules, regulations, other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

## Article 5

### Mandate

5.0 Mandate — The Commission is hereby mandated to formulate and implement policies and plans in accordance with the principles stated in Title I of this Act. (Section 12)

- a. To encourage the continuing and balanced development of a pluralistic culture (i.e. multi-ethnic) by the people themselves, the Commission shall:

1)

encourage and ensure the exercise of the freedom of expression by eliminating all forms of censorship inimical to cultural and artistic growth and development without prejudice to the rights of other people to develop their own culture, or to the enhancement of genuinely Filipino, cultural expressions.

2)

extend financial and economic assistance such as subsidies, artist funds and social security to promote cultural development and to protect artists and cultural workers;

3)

ensure the decentralization of opportunities throughout the regions for creative expression through the establishment of local culture and art centers in key areas with resources needed for artistic cultural activities;

4)

extend recognition of artistic achievement through awards, grants, and services to artists and cultural groups which contribute significantly to the Filipino's cultural legacy;

5)

promote the interests and welfare of artists and cultural workers by protecting their rights to intellectual and artistic properties as well as by associations which shall promote and protect the economic and moral rights of artists all over the country;

6)

encourage and support research into Philippine artistic traditions which may be adopted for the creation of contemporary forms;

7)

adopt measures and recommend legislations to protect the intellectual cultural integrity and artistic rights and properties of Filipino artists and cultural workers, ethnolinguistic groups and for other matters concerning culture and arts;

8)

explore and adopt the best possible structure of relationship between the public and the private sector at the local level, taking into account varying socio-cultural situations.

b. To conserve and promote the nation's historical and cultural heritage, the Commission shall:

1)

support, monitor and systematize the retrieval and conservation of artifacts of Filipino culture and history and all Filipino cultural treasures from all over the archipelago and other countries;

2)

encourage and support the study, recognition and preservation of endangered human cultural resources such as weavers, chapters, dancers, and other craftsmen as well as the conservation and development of such artistic, linguistic and occupational skills as are threatened with extinction;

3)

support and promote the establishment and preservation of cultural and historical monuments, markers, names and sites including provincial, city, and municipal seals.

4)

encourage and support the establishment and/or maintenance all over the country of museums, libraries, archives, private or public, as repositories, respectively of all cultural movements, achievements and personalities especially in the literary, visual and performing arts and in mass media, as well as the various aspects of Filipino culture;

5)

encourage the private sector to establish and maintain private museums and libraries;

6)

encourage and support scholarly research into and documentation of, Philippine cultural traditions, arts and crafts;

7)

encourage and support the writing of Philippine history and pre-history from the Filipino perspective;

8)

encourage, support and systematize the audio-visual documentation of Filipino cultural expressions in the contemporary period.

c. To ensure the widest dissemination of artistic and cultural products among the greatest number across the country and overseas for their appreciation and enjoyment, the Commission shall, with the cooperation of the Department of Education, Culture and Sports (DECS), Department of Tourism (DOT), Department of Interior and Local Government (DILG), Department of Foreign Affairs (DFA) and all other concerned agencies, public and private:

1)

cause to be established and developed an intensified arts education program at all levels of the educational system, public and private, to ensure meaningful arts integration across the school curriculum;

2)

encourage and support programs through publication, exhibition, production, performance, staging and reproduction of original Filipino creations;

3)

coordinate and provide technical and/or financial assistance for cultural events and related activities such as cultural festivals, competitions, lectures, seminars, and symposia;

4)

encourage and monitor a comprehensive translation program which shall make cultural and art works by Filipinos and selected foreign classics equally accessible to Filipinos as well as international readers;

5)

promote the popularization of information about artistic and cultural achievements and programs, in coordination with government agencies and non-government organizations/institutions;

6)

re-orient tourism programs to become instruments for popular education of our people and others about the best of our heritage and creativity;

7)

undertake a systematic collection of statistical and other data which reflects the state of cultural conditions in the country, to serve as essential quantitative and qualitative basis for formulating cultural policies;

8)

create and support a sustained program of international cultural exchange, scholarships, travel grants, and other forms of assistance;

9)

promulgate standards and guidelines for the protection and promotion of Filipino artists, cultural workers and administrators by qualified trainers;

d. To preserve and integrate traditional cultures and their various creative expressions as a dynamic part of the national cultural mainstream, the Commission shall:

1)

help set up or encourage, monitor, and subsidize companion systems at the regional, provincial, and local levels, intended to develop traditional cultures such as arts/crafts center, preferably in community settings apart from the usual museum settings, where exponents of living arts and crafts can practice and teach their art and enrich contemporary designs;

2)

encourage and subsidize cultural research and the retrieval of cultural research information (e.g. folklore, dance, music, crafts) through the training of students, teachers, and cultural researchers, and their revitalization by practice and performance;

3)

ensure that the ultimate beneficiaries of all research efforts, tourism programs and other activities affecting cultural communities are the people and cultural communities that are the subject of research, and that their cultures are nurtured rather than violated, damaged, or exploited;

4)

ensure that relevant information is made available to legislators who introduce laws with cultural implications;

5)

encourage and support the continuous training of cultural workers and administrators by qualified trainers.

e. To ensure that standards of excellence are pursued in programs and activities implementing policies herein stated, it shall encourage and support continuing discussions and debates, through symposia, workshop, publications, etc., on the highest norms available in the matrix of Philippine culture.

## Article 6

### Powers and Functions

6.0 Powers and Functions — To carry out its mandate, the Commission shall exercise the following powers and functions:

- a. Encourage and facilitate the organization of a network of regional and local councils for culture and the arts, hereunder described, to ensure a broad nationwide, people-based participation in the formulation of plans, the enforcement of culture related laws and regulations, the implementation of programs/projects and the review of funding requirements;
- b. Establish a Secretariat under an Executive Director for the administrative and day-to-day operations of the Commission;
- c. Set up a system of networking and coordination with and among all existing government cultural agencies for the effective implementation of programs and activities;
- d. Create committees and other mechanisms to help expedite the implementation of plans and strategies;

- e. Call upon and coordinate with other government and non-government art and cultural institutions and agencies for assistance in any form;
- f. Generate resources, both from the Government and private sectors, local, national and international, for its operations, as well as for the National Endowment Fund for Culture and Arts;
- g. Receive and accept donations and other conveyances including funds, materials, and services, by gratuitous title;
- h. Administer the National Endowment Fund for Culture and the Arts and give grants for the development, protection, preservation, and dissemination of Philippine culture and arts, and designate a comptroller;
- i. Prepare an annual budget of the Commission and submit the same to the President for inclusion in the annual General Appropriations Act (GAA);
- j. Advise the President on matters pertaining to culture and the arts, including the creation of a special decoration or award, such as the National Artist Awards, and the Manlilikha and Bayan Awards, for persons who have significantly contributed to the development and promotion of Philippine culture and arts;
- k. Promulgate rules and regulations and undertake any and all measures as may be necessary to implement this act;
- l. Regulate activities inimical to preservation/conservation of national cultural heritage/properties.

#### Article 7

##### Organization of the Commission

7.0 In accordance with Section 14 and Section 20-F-4, the Commission shall fix its staffing pattern, determine the duties, qualifications, responsibilities, and functions as well as the compensation scheme for the positions created upon the recommendation of the Executive Director.

This new staffing pattern shall be the basis for preparing the proposed CY 1993 budget of the Commission for submission to the Department of Budget and Management.

#### Article 8

##### The Subcommissions

8.0 The Subcommissions — The Commission shall oversee the operation and maintenance of the National Committees under the following Subcommissions:

- a. Subcommission on Cultural Heritage (SCU) shall cover but will not be limited to the following areas: libraries and information services, archives, museums, galleries, monuments and sites, and historical research.
- b. Subcommission on the Arts (SA) shall cover but will not be limited to the following areas: literary arts, visual arts, architecture, dramatic arts, broadcast arts, musical arts, dance and film.
- c. Subcommission on Cultural Dissemination (SCD) shall cover but will not be limited to the following areas: language and translation, cultural events, cultural education and information.
- d. Subcommission on Cultural Communities and Traditional Arts (SCCTA) shall cover but will not be limited to the following areas: Aeta and all other Negrito culture and arts, culture and arts of Northern Cultural Communities, Southern Cultural Communities, Muslim Cultural Communities and Lowland Cultural Communities.

## Article 9

### Program Plans

9.0 Program Plans — Within three months after having been officially constituted and finally staffed, the Commission shall adopt and immediately cause to be implemented in coordination with the cultural agencies, a short range program in support of relevant existing projects and activities.

9.1 Within six months, the Commission shall prepare a long-range three (3) year development program subject to annual review and revision by the Commission in coordination with the councils as well as public and private cultural agencies and organizations.

## Article 10

### The National Endowment Fund For Culture and the Arts

10.0 The National Endowment Fund for Culture and Arts — The Fund is established exclusively for Philippine art and cultural programs, projects, and activities all over the country. (Section 20)

10.1 Contributions to the Fund — The contributions to the Fund shall be from the following sources:

a.

Seed capital of One Hundred Million pesos (P100,000,000.00) to be given by Philippine Amusement and Gaming Corporation (PAGCOR) at five million pesos (P5,000,000.00) per month for twenty months;

b.

Ten percent (10%) of the travel tax collections, the share to be taken from the travel tax given to the Philippine Tourism Authority (PTA);

c.

Grants from government corporations;

d.

Donations and other conveyances from private entities including funds, materials, property and services, by gratuitous title.

10.2 Tax Deductible — Contributions to the fund by government and private corporations shall be deductible for income tax purposes in accordance with the provisions of Section 27 (h) (2) (A) of the National Internal Revenue Code.

10.3 Deposit — Fund collections shall be deposited intact to a reputable government-accredited investment institution duly appointed by the Commission as the Fund Manager.

10.4 Restrictions on Fund Withdrawal — The restrictions to the usage of the Fund are as follows:

a. No part of the seed capital, including earnings, thereof shall be used to underwrite overhead expenses for administration.

b. No grant shall be awarded by the Commission except from the interest drawn from the seed capital, Provided further, that no grant shall be awarded until after one (1) year from the organization of the Fund.

c. Unless otherwise stipulated by the private donor, only earnings of private contributions shall be used.

d. The Government's annual contribution to the fund shall be used as follows:

1. Only 20% shall be devoted to administrative functions of the Commission.
2. At least 10% shall be earmarked as part of the Fund capital.
3. The balance of 70% shall be used for the Commission's programs and projects.

10.5. External Auditor — The Commission shall appoint an external auditor to perform an annual audit of its performance.

10.6 Exemption from Pre-Audit — The Fund shall be exempted from pre-audit by the Commission to Audit.

10.7 Tax Exemption — The Commission shall be exempted from all its income and duty obligations.

All materials that are reasonably necessary and are not manufactured or produced locally for the use of the Filipino artists shall be tax or duty free. (Section 21)

## Article 11

### Miscellaneous Provisions

11.0 Transitory Provision — All the personnel, properties, assets and liabilities of the Presidential Commission on Culture and Arts (PCCA) created by Executive Order No. 118, are hereby transferred to the Commission as its successor-in-interest. (Section 23)

11.1 Hiring of Key Personnel — The Executive Director of the Commission shall identify the key positions to be hired in 1992 to ensure economical, efficient and effective implementation of the operations of Commission. The funds needed for these key positions shall come from the savings in the personal services. Approval for hiring and the use of savings from the Personal Services to fund the salaries of the key personnel hired in 1992 shall be coursed to the Department of Budget and Management.

11.2 Provisions of Executive Order (E.O) 118 not inconsistent with this Act shall be in full force and effect.

Adopted: 2 June 1992

(SGD.) ERLINDA C. PEFIANCO  
Commissioner

(SGD.) SERAFIN D. QUIASON, JR.  
Commissioner

(SGD.) MA. TERESA ESCODA-ROXAS  
Commissioner

(SGD.) FELICE P. STA. MARIA  
Commissioner

(SGD.) FELIPE P. DE LEON, JR.  
Commissioner

(SGD.) EVELYN B. PANTIG

Commissioner

(SGD.) PONCIANO B.P. PINEDA

Commissioner

(SGD.) EDGARDO J. CELIS

Commissioner

(SGD.) GABRIEL S. CASAL

Commissioner

(SGD.) CARMEN D. PADILLA

Commissioner

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