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AMENDED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 7356 (LAW CREATING THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS) APRIL 2004

NCCA, April 02, 2004

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The National Commission for Culture and the Arts hereby promulgates the Amended Rules and Regulations to implement Republic Act No. 7356, otherwise known as the "Law Creating the National Commission for Culture and the Arts."

SECTION 1. Short Title. -These rules shall be known as the "Amended Implementing Rules and Regulations of 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."

Rule 1
Declaration of Principles

SECTION 2. Culture as a Human Right - Culture is a manifestation of the freedom of belief and of expression, and is a human right to be accorded due respect and allowed to flourish.

SECTION 3. National Identity - Culture reflects and shapes values, and beliefs and emulates the aspirations of the people's cultural wisdom, thereby defining a people's national identity. A Filipino national culture that mirrors Philippine economic, social, and political life shall be evolved, promoted and conserved.

SECTION 4. Culture of the People - The Filipino national culture shall be:

4.1 Independent, free of political and economic structures which inhibit cultural sovereignty.

4.2 Equitable, effectively creating and distributing cultural opportunities and correcting the imbalance that has long prejudiced the poor and other marginalized sectors who have the least opportunities for cultural development and educational growth;

4.3 Dynamic, continuously developing in pace with scientific, technological, social, economic and political changes, both in national and international levels;

4.4 Progressive, developing the vast potential of all Filipinos as responsible change agents of society; and

4.5 Humanistic, ensuring the freedom and creativity of the human spirit.

SECTION 5. Culture by the People - The Filipino national culture shall be evolved and developed by the people themselves according to their own original and ancestral wisdom.

National cultural policies and programs shall be formulated which shall be:

5.1 Pluralistic, fostering deep respect for the cultural identity of each locality, region or ethno-linguistic locality, as well as elements assimilated from other cultures through the natural process of acculturation;

5.2 Democratic, encouraging and supporting the participation of the vast masses of the Filipino people in its

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programs and projects;

5.3 Non-partisan, open to all people and institutions, regardless of creed, affiliation, ideology, ethnic origin, age, gender or class, with no organized group or sector having monopoly of its services;

5.4 Liberative, having concern for the decolonization and emancipation of the Filipino psyche in order to ensure the full flowering of Filipino culture; and

5.5 Nationalistic, the bonding and harmony of people based on the common recognition of cultural heritage.

SECTION 6. Culture for the People - The creation of artistic and cultural products shall be promoted and disseminated to the greatest number of our people. The level of consciousness of the Filipino people about their own cultural values in order to strengthen the Filipino culture and to instill nationhood and cultural unity shall be raised formally through the educational system and informally through extra-scholastic means, including the use of traditional as well as modern media of communication.

SECTION 7. Preservation of the Filipino Heritage - It is the duty of every citizen to preserve and conserve the Filipino historical and cultural heritage and resources. The retrieval and conservation of artifacts of Filipino culture and history shall be vigorously pursued.

Rule II
Organization of the National Commission for Culture and the Arts and the
Establishment of the National Endowment Fund

SECTION 8. Creation of the National Commission for Culture and the Arts (NCCA) - The NCCA is hereby created to:

8.1 Formulate policies for the development of culture and arts;

8.2 Implement these policies in coordination with affiliated cultural agen cies;

8.3 Coordinate the implementation of programs of these affiliated agen cies;

8.4 Administer the National Endowment Fund for Culture and Arts (NEFCA);

8.5 Encourage artistic creation within a climate of artistic freedom;

8.6 Develop and promote the Filipino national culture and arts; and

8.7 Preserve Filipino cultural heritage.

SECTION 9. Composition - The Commission shall be composed of the following members:

a) Undersecretary, Department of Education Culture and Sports[*]
(now the Department of Education per RA 9155);

b) Undersecretary, Department of Tourism;

c) Chairperson, Committee on Basic Education and Culture, House of Representatives;

d) Chairman, Committee on Education, Arts and Culture, Senate of the Philippines;

e) President, Cultural Center of the Philippine;

f) Executive Director, National Historical Institute[**]

g) Director, National Museum;

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h) Director, The National Library;

i) Chairperson, Komisyon ng Wikang Filipino;

j) Director, Records Management and Archives Office;

k) Executive Director, National Commission for Culture and the Arts;

l) The Head of the Subcommission on Cultural Communities and Traditional Arts (SCCTA); and

m) Three (3) Representatives from the private sector elected by the Heads of the National Committees within the respective Subcommissions, namely:

1. The Head of the Subcommission on Cultural Heritage (SCH);
2. The Head of the Subcommission on the Arts (SCA); and
3. The Head of the Subcommission on Cultural Dissemination (SCD).

SECTION 10. Term of Office - Non-ex-officio Members of the Commission shall have a term of three (3) years, reckoned from July 1, 1992.

SECTION 11. Restrictions - During his/her term, all members of the Commission shall not be eligible for any grant or such other financial aid from the Commission as an individual: Provided: however, that the Commissioner may compete for grants and awards on the same level as other artists one (1) year after his/her term shall have expired.

Section 12. General Mandate - The Commission is hereby mandated to formulate and implement policies and plans in accordance with the principles stated in Rule 1 hereof.

Section 13. Development of Pluralistic Culture - To encourage the continuing and balanced development of a pluralistic culture by the people themselves, the Commission shall:

13.1 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 a genuinely Filipino culture;

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

13.3 Ensure the decentralization of opportunities for creative expression through the establishment of local culture and arts centers, and organizations on history and arts in various regions, with resources needed for artistic cultural activities;

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

13.5 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 over the country;

13.6 Encourage and support research into Philippine artistic traditions in the hope to revive, popularize, and preserve the artistic traditions which may be adopted for the creation of contemporary forms; provided, that the adoption does not result in the mockery of the tradition;

13.7 Adopt measures and recommend legislations to protect the intellectual and artistic rights and properties of Filipino artists, cultural workers and other matters concerning culture and arts; and

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

SECTION 14. Promotion of Historical and Cultural Heritage - To conserve, promote and protect the nation's historical and cultural heritage, the commission shall:

14.1 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;

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

14.3 Support and promote the establishment and preservation of cultural and historical monuments, markers, names and sites;

14.4 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/historical artifacts and artistic creation, printed works, archival records and all other materials indispensable to the study and evaluation of Filipino culture and history;

14.5 Encourage the private sector to establish and maintain private museums, libraries, learning centers, and archives;

14.6 Encourage and support scholarly research into, and documentation of, Philippine cultural traditions, arts and crafts, as well as significant 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;

14.7 Encourage and support the writing of Philippine history and pre-history, and Cultural studies from multiple perspectives that will help in the creation of a national identity and give support to activities such as but not limited to conferences, congresses, fora, and symposia on Philippine History;

14.8 Encourage and support scholarly and scientific research and anthropological and archaeological studies, and the publication thereof; and

14.9 Encourage, support and systematize the audio-visual documentation of Filipino cultural expressions.

SECTION 15. Dissemination of Artistic and Cultural Works - To ensure the widest dissemination of artistic and cultural works and products among the greatest number of people across the country and overseas for their appreciation and enjoyment, and in cooperation with the Department of Education, Tourism, Interior and Local Government, Foreign Affairs and all other concerned agencies, public and private, the Commission shall:

15.1 Cause to be established and developed a culture and arts education program at all levels of the educational system, public and private, to ensure the study of culture and arts across the school curriculum;

15.2 Encourage and support programs such as, but not limited to, publication, exhibition , production, performance, staging, reproduction, and promotion of original Filipino creations;

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

15.4 Develop and implement a comprehensive translation program which shall make works by Filipinos and selected foreign classics equally accessible to Filipino as well as international readers;

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

15.6 Re-orient tourism programs to become an instrument for popular education of our people and others about the best of our heritage and creativity;

15.7 Undertake a systematic collection of statistical and other data which reflects the state of cultural conditions in the country to serve as a database for formulating cultural policies;

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

15.9 Promulgate standards and guidelines for the protection and promotion of Filipino artists, cultural workers and creative works in other countries; and

15.10 Encourage and support the continuous training of cultural workers and administrators by qualified trainors.

SECTION 16. Preservation and Integration of Traditional Culture - To preserve and integrate traditional culture and its various creative expressions as a dynamic part of the national cultural mainstream, the Commission shall undertake the following:

16.1 Help set up or encourage, monitor and subsidize apprenticeship/trainee systems at the regional, provincial and local levels, intended to develop traditional cultures such as arts/crafts centers, 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;

16.2 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;

16.3 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;

16.4 Ensure that relevant information is made available to legislators who introduce laws with cultural implications; and

16.5 Encourage and support the continuous training of cultural workers and administrators of NGOs, LGUs, and others by qualified trainers.

SECTION 17. Ensure Standards of Excellence - To ensure that standards of excellence are pursued in programs and activities implementing policies herein stated, the commission shall encourage and support continuing discussion and debate through symposia, workshops, publications, etc., on the highest norms available in the matrix of Philippine culture.

SECTION 18. Powers and Functions - The Commission shall exercise the following powers and functions:

18.1 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;

18.2 Establish a Secretariat under an Executive Director for the administrative and day-to-day operations of the Commission;

18.3 Set up a system of networking and coordination with and among all existing government cultural agencies for the effective implementation of plans, strategies, programs and activities, and to avoid unnecessary

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duplication of functions therein;

18.4 Create committees and other mechanisms to help expedite the implementation of plans and strategies;

18.5 Call upon and coordinate with other government and non-government and cultural institutions and agencies for assistance in any form;

18.6 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 the Arts (NEFCA);

18.7 Receive and accept donations and other conveyances including funds, materials and other services, by gratuitous title;

18.8 Administer the NEFCA and give grants for the development, protection, preservation and dissemination of Philippine culture and the arts, and designate a comptroller;

18.9 Prepare an annual budget of the Commission and submit the same to the President for inclusion in the annual General Appropriations Act (GAA);

18.10 Advise the President on matters pertaining to culture and the arts, including the creation of a special decoration or award, for persons who have significantly contributed to the development and promotion of Philippine culture and arts;

18.11 Regulate activities inimical to the preservation/conservation of national cultural heritage/properties, which shall be contained in a separate document;

18.12 Investigate such inimical activities in conjunction with the proper government agencies, such as the Department of Interior and Local Government, the National Historical Institute, the National Museum and other such agencies, with the aim of prosecuting such activities and recommending other actions such as legislation, executive issuances and other appropriate actions;

18.13 May delegate decision making on specific cases to the Chairperson, the Executive Director and the Secretariat as it sees fit. Matters for decision that are not explicitly delegated by resolution shall require Commission action; and

18.14 Promulgate other rules and regulations and undertake any and all measures as may necessary to implement R.A. No. 7356.

Rule III
Organization Units of the NCCA

SECTION 19. Organizational Units - The NCCA shall be composed of the following organizational units:

19.1 Subcommissions (SCs) - The SCs are the members of all the National Committees from the various fields of culture and the arts within the respective sectors of Cultural Communities and Traditional Arts, Cultural Heritage, the Arts and Cultural dissemination.

19.2 National Committees (NCs) - The NCs shall be composed of groups and individuals organized into committees created to assist the Commission in pursuing its mandates.

19.2.1 Executive Council Members of National Committees (ExeCon) - The ExeCon shall be the working group constituted pursuant to Committee Rules and Regulations for the purpose of conducting the affairs of the National Committee.

19.3 National Advisory Board (NAB) - The NAB shall consist of the heads of the aforementioned NCs.

19.4 Secretariat - The Secretariat, which shall be headed by an Executive Director, shall be the administrative

organization responsible for the day-to-day operations of the NCCA.

Rule IV
The Chairperson

SECTION 20. The Chairperson of the Commission - The Commission shall be headed by a Chairperson who shall be elected by the members of the Commission from among themselves.

SECTION 21. Term of Office - The Chairperson shall have a term of three (3) years, reckoned from July 1, 1992 for as long as he/she remains a member of the Commission, and shall not serve for more than two consecutive terms. The filling up of an unexpired term of an outgoing Chairperson shall already be considered one full term in reckoning his/her number of terms.

SECTION 22. Removal from Office - Subject to due process, the Chairperson may be replaced before the expiration of his/her term on a vote of two-thirds of the entire Commission, on any of the following grounds:

22.1 Culpable violation of the NCCA Implementing Rules and Regulations, and NCCA rules and regulations, and any of its policies and directives;

22.2 Culpable violation of the NCCA Code of Ethics;

22.3 Conviction by final judgment for the violation of the Code of Conduct and Ethical Standards for Public Officials and Employees; and

22.4 Conviction by final judgment of a crime involving moral turpitude.

SECTION 23. Responsibilities. The Chairperson shall have the following responsibilities:

23.1 Provide leadership in the realization of the vision/mission of the Commission;

23.2 Advise the President on matters pertaining to Philippine Culture and Arts;

23.3 Preside over for meetings of the Commission;

23.4 Propose the agenda for meetings of the Commission;

23.5 Oversee the proper implementation of the decisions and resolutions approved by the Commission;

23.6 Represent the Commission on official matters; and

23.7 Perform such other duties, which the Office of the President or the Commission may delegate to him/her from time to time.

SECTION 24. Compensation of the Chairperson - The Chairperson occupying an ex-officio position is not entitled to receive honorarium and other compensation pursuant to the provisions of Section 8, Article IX-B of the Constitution. However, he/she may be allowed reimbursement of miscellaneous expenses incurred in connection with his/her attendance to the meetings subject to the rates pursuant to the appropriate government rules and regulations.

Rule V
The Commissioners

SECTION 25. Responsibilities - the Commissioners shall attend regular Commission meeting for the purpose of formulating policies and plans, approving projects and grants, approving the annual Commission budget for presentation to the Department of Budget and Management (DBM) and Congress, and discussing and resolving issues on Philippine culture and arts. All actions taken by individual Commissioners with regard to concerns and

activities relative to NCCA shall require Commission approval.

SECTION 26. Voting Rights - The Commissioners shall each have one vote. A representative who attends in lieu of a commissioner shall only be allowed to vote when authorized to do so in writing by the commissioner represented.

SECTION 27. Compensation - All non-ex-officio members of the Commission, or in their absence, their official representative to the meeting, shall receive per diem as prescribed by the Department of Budget and Management (DBM), which shall be an amount for actual attendance in the meetings of the Commission. In addition, they shall be entitled to reimburse all travel expenses actually incurred in connection with attendance at Commission meetings. Their per diem and travel expenses shall be reimbursed to them immediately after the meeting.

Ex-officio members of the Commission or their duly designated representatives shall receive representation and travel allowances (RATA) in accordance with rates prescribed by the DBM. Ex-officio members with the rank of undersecretary shall be entitled to reimbursement of expenses incurred in connection with his/her duties as Commissioner in accordance with such ceilings as may be authorized by the DBM.

Rule VI
Meetings of the Commission

SECTION 28. Regular Meetings - The Commission shall meet at least once a month at a place and time approved by the Commission.

SECTION 29. Special Meetings - special Meetings of the Commission may be called by the Chairperson, or upon a request from the majority of the Commissioners for valid and urgent reasons and shall be held at a time and place to be specified in a notice to be furnished the members at least two days before the scheduled meeting.

SECTION 30. Quorum - A majority of the Commissioners or their authorized representatives shall constitute a quorum to proceed with the meeting. A representative who attends in lieu of a Commissioner shall be counted for quorum purposes but the representative shall only be allowed to vote when authorized to do so in writing by the Commissioner concerned.

SECTION 31. Referendum - The Chairperson may authorize the circulation in referendum of matters that are of such urgency that the same cannot await the next Regular Commission meeting. In such cases, approval of a majority of the members of the Commission shall be sufficient for action; Provided that matters approved in referendum shall be submitted to the Commission at its next meeting for confirmation or ratification.

SECTION 32. Internal Rules of Procedure - The Commission may adopt or update its rules of procedure that shall provide for the following:

32.1 The parliamentary rules of procedure which includes the conduct of members during sessions; and

32.2 The discipline of members for disorderly behaviour and absences without justifiable cause.

Rule VII
The Secretariat

SECTION 33. Definition - the Secretariat as defined in rule III, Section 19.4, shall provide administrative and technical support to the Commission and other organizational units created within the Commission.

SECTION 34. Functions - The Secretariat shall perform the following functions:

34.1 Assist the Commission in formulating a National Development Plan for Culture and the Arts;

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34.2 Establish and maintain a system for the achievement of the foregoing Plan, and recommend and undertake measures, upon approval thereof by the Commission, for the effective and efficient implementation of the Plan;

34.3 Submit to the Commission periodic reports on the progress of programs and projects, and on the implementation of policies and plans for cultural and artistic development.

34.4 Prepare the annual report to the President and the Congress, which shall be subject to the final approval of the Commission;

34.5 Monitor the implementation of NCCA approved projects; and

34.6 Undertake other activities that are necessary to achieve the foregoing functions or such other activities as maybe directed or delegated by the Chairperson / Commission.

SECTION 35. The Executive Director - The Executive Director (ED) shall head the Secretariat.

SECTION 36. Appointment - The ED shall be appointed by the Commission based in open nominations. Appointments shall be made after meeting and due deliberation of the Commission sitting as a collegial body.

SECTION 37. Functions - In addition to his/her functions as a member of the Commission, the ED shall perform the following duties and responsibilities:

37.1 Take charge of the administration, direction and supervision of the Secretariat, ensuring the implementation of Commission resolutions and decisions;

37.2 Formalize the implementation of grants approved by the Commission, in the form of Memoranda of Agreement or contracts entered into with grantees;

37.3 Ensure that the Secretariat provides administrative support to the Commission and bodies directly attached thereto - the Subcommissions, the NAB, the National Committees, and other bodies and individuals who perform work for the NCCA; and

37.4 Perform such other functions as may be assigned by the Commission and/or the Chairperson from time to time.

SECTION 38. Qualification - The qualification of the Executive Director shall be set by the Commission in conjunction with existing Civil Service Rules and Regulations, which qualifications shall be in accordance with the qualifications required of a Director III.

Rule VIII
The Subcommissions (SCs)

SECTION 39. Composition - There shall be four (4) Subcommissions composed of the heads of the National Committees to be organized as follows:

39.1 Subcommission on Cultural Heritage, which shall cover but will not be limited to the following areas: libraries and information services; archives, museums, art galleries, monuments and sites, and historical research;

39.2 Subcommission on the Arts, which shall cover but will not be limited to the following areas: literary arts, visual arts, architecture and its allied arts, dramatic arts, music, dance, and cinema;

39.3 Subcommission on Cultural Dissemination, which shall cover but not limited to the following areas: language and translation, communication, cultural education, cultural information and special events; and

39.4 Subcommission on Cultural Communities and Traditional Arts, which shall cover but will not be limited to the following areas: Agta/Ayta cultural communities, Northern cultural communities, Southern cultural communities, Muslim cultural communities, and low land/Kapatagan cultural communities.

SECTION 40. Functions - The Subcommission shall have the following functions:

40.1 Assess the state of the country's culture and arts and recommend appropriate action to the Commission;

40.2 Consolidate and/or harmonize the position of various Committees that fall under the same Subcommission on issues of interest and concern to the Committees, including Commission policies and programs, proposed legislation and executive issuances;

40.3 Coordinate with other Subcommissions on programs, projects and other similar activities that require the participation of two or more Subcommissions; and

40.4 Perform such other functions as may be delegated by the Commission.

SECTION 41. Officers - Each Subcommission shall have a Head, Vice Head, and a Secretary who shall be elected for a term of three (3) years, reckoned from July 1, 1992 for as long as he/she remains an ExeCon member of the National Committee, and shall not serve for more than two consecutive terms. The filling up of an unexpired term of a departing Subcommission Head shall already be considered one full term in reckoning his/her maximum number of terms. The elected Subcommission Head shall represent the Subcommission in the Commission.

SECTION 42. Regular Meetings - The SubCommission shall meet at most once a month at a place and time approved by the Subcommission Members. The meetings shall be called by its Head, or in his/her absence by the Vice-Head.

SECTION 43. Special Meetings - Special Meetings of the Subcommission may be called by the head or in his/her absence by the Vice-head, only upon a request from the majority of the Members for valid and urgent reasons and shall be held at a time and place to be specified in a notice to be furnished the members at least two days before the scheduled meeting.

SECTION 44. Quorum - A majority of the Committee Heads within the Subcommission or their representatives shall constitute a quorum to transact official business. A representative who attends in lieu of a member shall be counted for quorum purposes but the representative shall only be allowed to vote on an issue when authorized to do so in writing by the member represented. The vote of a majority of the Committee Heads or Representatives authorized to vote shall be sufficient to reach a decision.

SECTION 45. Presence of the Secretariat - Any regular or special meeting called by the Subcommission shall require the presence of the Secretariat; otherwise, same shall be considered null and void.

SECTION 46. Referendum - The Subcommission Head may authorize the circulation in referendum of matters that are of such urgency that the same cannot await the next Regular Subcommission meeting. In such cases, approval of a majority of the members of the Subcommission shall be sufficient for action: Provided that matters approved in referendum shall be submitted to the Subcommission at its next meeting for confirmation or ratification.

SECTION 47. Grounds for Removal - Subject to due process, a Subcommission Head may be removed before the expiration of his/her term on a vote of two-thirds of the entire Subcommission, on any of the following grounds.

47.1 Culpable violation of the NCCA Implementing Rules and Regulations, and NCCA rules and regulations, and any of its policies and directives;

47.2 Culpable violation of the NCCA Code of Ethics.

47.3 Conviction by final judgment for the violation of the Code of Conduct and Ethical Standards for Public Officials and Employees; and

47.4 Conviction by final judgment of a crime involving moral turpitude.

Rule IX
The National Advisory Board (NAB)

SECTION 48. Composition - The National Advisory Board (NAB) shall consist of the Heads of the National Committees.

SECTION 49. Functions - The NAB shall perform the following functions:

49.1 Assess the general condition of Philippine culture and the arts, including cultural communities and traditional arts, and accordingly propose approaches, including policies and programs that may be adopted by government or by the Commission;

49.2 Assist in the coordination of the program affecting two or more Subcommissions, or Committees from different subcommissions, for the purpose of facilitating the proposed undertaking;

49.3 Serve as a forum for the discussion of matters affecting the National Committees or the cultural sector, with the end in view of strengthening linkages, exchanging information and formulating guidelines;

49.4 Initiate, formulate and advocate a coordinated and common stand on significant issues or concerns; and

49.5 May serve as mediator to resolve issues between Committees and/or Cultural Agencies as deemed appropriate. The NAB may also function as a Grievance or Appeals Board to determine conflicts relative to the implementation of the IRR and recommend resolutions to the Commission for its appropriate action.

SECTION 50. Regular Meetings - The NAB shall meet quarterly at a place and time approved by the Commission.

SECTION 51. Special Meetings - Special Meetings of the NAB may be called by the elected Presiding Officer, or upon a request from the majority of the members of the NAB for valid and urgent reasons and shall be held at a time and place to be specified in a notice to be furnished the members at least two days before the scheduled meeting.

SECTION 52. Quorum - A majority of the NAB or their authorized representatives shall constitute a quorum to transact official business. A representative who attends in lieu of a member shall be counted for quorum purposes but the representative shall only be allowed to vote on an issue when authorized to do so in writing by the member represented.

SECTION 53. Presiding Officer - For every meeting, a presiding officer shall be elected from among the members of the NAB. The presiding officer shall vote only to break a tie.

SECTION 54. Referendum - The Presiding Officer may authorize the circulation in referendum of matters that are of such urgency that the same cannot await the next Regular NAB meeting. In such cases, approval of a majority of the member of the NAB shall be sufficient for action: Provided that matters approved in referendum shall be submitted to the NAB at its next meeting for confirmation or ratification.

SECTION 55. Secretariat - The NCCA Secretariat shall be responsible for providing technical and administrative support to the NAB to ensure smooth and effective conduct of the meeting.

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Rule X
The National Committees (NCs)

SECTION 56. Composition - The National Committees (NCs) shall be composed of artists, historians, librarians, and other cultural workers, and individuals recognized in their fields, organized into groups, which shall be the mechanism through which the community of Philippine artists and cultural workers can participate in decision-making, preparation of policies and programs affecting culture and the arts.

56.1 The NCs are encourages to set up their membership so that the various ethno-linguistic groups and organizations of artists and cultural workers coming from the political subdivisions of the country are properly and equitably represented.

56.2 Generally, the members of the NCs shall consists of the major non-profit, non-stock organizations of artists and cultural workers within their respective sectors, and individuals who are recognized practitioners of their art, or professionals who have contributed to the practice of their profession and to the cause of their specific sectors.

56.3 No person may be a member of more than one National Committee.

56.4 Each National Committee shall have a minimum of thirty (30) members duly recognized by the concerned NC. The complete list of NC Membership shall be submitted to the NCCA and shall be updated as necessary.

56.5 Membership application must be in accordance with the NCCA membership rules approved by the Commission on recommendation of the NC concerned.

SECTION 57. Types of Members - The members of the National Committees may consist of:

57.1 Individual Members - Individuals who join in their personal capacity;

57.2 Institutional Members - Those who join as representatives of recognized culture and art groups who are officially nominated and designated by their respective Boards or Agency Heads;

57.2.1 Public Members - Those who join as coming from the state universities and colleges, and other government agencies; and

57.2.2 Private Member - Those who join representing and/or affiliated with their own non-governmental organizations.

57.3 Representatives of Ethno-Linguistic communities or Groups

SECTION 58. Basic Qualification Requirements - To qualify for membership, an applicant shall:

58.1 Be a Filipino citizen of good standing in the community;

58.2 Have substantial interest, experience and or service in the sector;

58.3 Have achieved an acceptable level of expertise relative to the concerned Committee;

58.4 Not have been convicted with finality of any crime by a court of justice or dismissed for cause by any organization, whether public or private;

58.5 Be willing to support and assess the policies, programs and projects of the Committee; and

58.6 Be willing to devote sufficient time and effort to the work of the Committee.

The Subcommission should confirm the membership per recommendation by the NC's.

Membership qualifications, criteria and composition shall be confirmed by the subcommissions concerned on

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recommendation of the Committee ExeCon.

Specific membership requirements shall be drawn up by the concerned NC to be approved by the Commission and shall form part and parcel of these Rules.

SECTION 59. Functions - The NCs shall perform the following functions:

59.1 Be channel of communication to the community regarding the objectives, accomplishments, concerns, feedback on government and NCCA initiatives, and shall generate ideas for the improvement of the sectors that they represent;

59.2 May facilitate implementation of Commission programs, projects and activities, whenever deemed appropriate;

59.3 Encourage participation in the Committee through expansion of membership;

59.4 Elect the Executive Council (ExeCon) Members of their respective sectors; and

59.5 Submit a roster of members to the Secretariat.

SECTION 60. Meetings of the National Committees - A NC meeting may be called by its head or in his/her absence and only upon urgent matters by the vice-Head once every three (3) years at a general assembly or in a committee membership meeting. The notice of the meeting shall be transmitted to all members not later than one month prior to the assembly or meeting at a place and time approved by the commission.

Rule XI
The Executive Council (ExeCon)

SECTION 61. Composition - The ExeCon shall be the working group constituted to conduct the business of each National Committee (NC). Each ExeCon shall consist of not less than seven (7) but not more than fifteen (15) members, who shall be elected by the recognized members of the NCs in accordance with the pertinent guidelines as approved by the Commission.

SECTION 62. Functions - The ExeCon Members shall have the following functions:

62.1 Formulate the rules and regulations affecting the policy on formation, composition, operations and dissolution of National Committees, subject to the approval of the Commission.

62.2 Initiate studies and make policy and project recommendations in their respective areas for consideration of the Commission, advise the commission on policy matters including but not limited to the use of grant funds, and on other related matters such as pending bills in Congress on culture and the arts; and initiate and/or propose bills relating to culture and the arts, and advocate and/or lobby for the passage thereof.

62.3 Draw up annual, medium and long-term plans for their respective areas of concern and standardize and formulate criteria for prioritizing programs/projects/activities.

62.4 Evaluate project proposals and make opinions and recommendations on NCCA Grants for consideration of the Subcommissions and the Commission;

62.5 Evaluate project terminal reports submitted by proponents whose projects have been funded by the NCCA;

62.6 Assist in identifying individual artists and cultural workers, non-government organizations, academic institutions and other organizations that may be able to contribute to the work of the NCCA; and

62.7 Initiate and implement projects falling within their expertise through an NCCA accredited organization as

implementor, which are for the benefit of the communities they represent.

SECTION 63. Officers and Members - The ExeCon of each NC shall elect its officers: a Head, a Vice-Head, and Secretary who shall be elected for terms of three (3) years, reckoned from July 1, 1992 for as long as he/she remains a member of the National Committee, and shall not serve for more than two consecutive terms.

The ExeCon officers and members who fail to attend three regular meetings in a year shall be called and notified for replacement. Replacement shall be done in accordance with the policy of the concerned NC and/or in accordance with the general policy of the NCCA.

SECTION 64. Term of Office - In order to ensure broad representation among artists and cultural workers, the officers and members of the ExeCon shall be elected for a term of three (3) years, reckoned from July 1, 1992 for as long as he/she remains a member of the ExeCon, and shall not serve for more than two consecutive terms.

The filling up of an unexpired term of a departing officer shall already be considered one full term in reckoning his/her maximum number of terms. The elected ExeCon Head of the NC shall represent the committee in the Subcommission.

The Commission, however, may authorize measures, pursuant to law or the rules, to ensure a smooth transition in cases where the terms of office of all the members of the ExeCon of the NC expire simultaneously.

SECTION 65. Regular Meetings of the ExeCon - The ExeCon shall meet at most once a month , which shall be called by its Head at a place and time approved by the ExeCon Members.

Only the officially designated ExeCon Members shall attend the regular committee meetings.

SECTION 66. Special Meetings - A Special Meeting may also be called by the Head or in his/her absence by the Vice-Head only for valid and urgent reasons and shall be held at a time and place approved by the Executive Director.

SECTION 67. Quorum - Majority of the ExeCon members shall constitute a quorum to transact business.

SECTION 68. Grounds for Removal - Subject to due process, an ExeCon member may be removed before the expiration of his/her term on a vote of two-thirds of the entire Executive Council, on any of the following grounds:

68.1 Culpable violation of the NCCA Implementing Rules and Regulations, and NCCA Rules and regulations, and any of its policies directives;

68.2 Culpable violation of the NCCA Code of Ethics.

68.3 conviction by final judgment for the violation of the Code of Conduct and Ethical Standards for Public Officials and Employees; and

68.4 Conviction by final judgment of a crime involving moral turpitude.

In cases where the ExeCon Officers/members while serving their terms of office are abruptly removed for no apparent cause and replaced by a group appointed by NCCA Administration, the Chairperson / Executive Director has no power to appoint / remove/designate persons who should compose members of a committee in such a way as to affect the term of office.

Rule XII
The Local, Provincial, or Regional Culture and Arts Councils

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SECTION 69. Local, Provincial or Regional Councils - The Commission may establish or coordinate with local, provincial or regional government or non-government councils/groups to promote, develop and implement programs and plans of the Commission.

The Commission may also call upon and coordinate with other government and non-government and cultural institutions and agencies for assistance in any form.

SECTION 70. Role in Policy Making - Local, provincial or regional culture and arts councils, both government and non-government, shall be encouraged to propose policies that would encourage the arts and cultural heritage preservation and other aspects of culture in their respective localities.

Rule XIII
The National Cultural Agencies

SECTION 71. Rationale - To optimize the utilization of government funds, including the NEFCA, the Commission shall coordinate with the national cultural agencies including but not limited to the Cultural Center of the Philippines, National Historical Institute, National Museum, The National Library, Komisyon sa Wikang Filipino, and Records Management and Archives Office. However, they shall continue operating under their respective charters or as provided by law where provisions therein are not inconsistent with the provisions of this Act. They shall serve as the national repository and/or showcase, as the case maybe, of the best of Philippine culture and arts. For this purpose, these agencies shall submit periodic reports, including recommendations to the Commission.

Rule XIV
The National Endowment Fund for Culture and the Arts (NEFCA)

SECTION 72. Guidelines in the Utilization of the NEFCA - A National Endowment Fund for Culture and the Arts (NEFCA or fund) is hereby established exclusively for Philippine art and cultural programs, projects and activities all over the country.

a) The contribution to the fund shall be the following:

> 1. The amount of One Hundred Million Pesos (P100,000,000.00) as seed capital shall be taken from the Philippine Amusement and Gaming Corporation (PAGCOR) fund Five million pesos (P5,000,000.00) per month for twenty (20) months: Provided, That no grant shall be awarded by the Commission except from the interest drawn from the funds: Provided, further, That no grant shall be awarded until after one (1) year from the organization of the Fund.
>
> 2. Ten percent (10%) of the travel tax collection, the share to be taken from the annual allotment of the travel tax given to the Philippine Tourism Authority.

b) Government corporations are hereby authorized to give grants to the Fund at their discretion, but not to exceed fifteen percent (15%) of their unimpaired surplus;

c) The private portion of the Fund shall be raised from donations and other conveyances including funds, materials, property, and services, by gratuitous title;

d) Contribution to the Fund shall be deductible for income tax purposes in accordance with the provisions of Section 29 (h)(2)(A) of the National Internal Revenue Code;

e) For the sound and judicious management of the Fund, the Commission shall appoint a reputable government-accredited investment institution as Fund Manager subject to guidelines promulgated by the Commission;

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f) The Commission shall be the administrator of the Fund, and as such, shall prepare implementing guidelines and decision-making mechanisms, subject to the following:

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

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

3. Not more than twenty percent (20%) of the Government's contribution to the Fund shall be devoted to administrative functions of the Commission; at least ten percent (10%) shall be earmarked as part of the Fund's capital, and the balance, i.e. seventy percent (70%) shall be used for its programs and projects;

4. The Commission shall organize a separate staff, administratively independent of the Secretariat, to be headed by a comptroller appointed by and directly responsible and accountable to the Commission;

5. There shall be an external auditor to perform annual audit of its performance; and

6. The Fund shall be exempt from pre-audit by the Commission on Audit.

SECTION 73. Fund Management - The Commission shall appoint a reputable government accredited investment institution as Fund Manager for the sound and judicious management of the NEFCA, subject to guidelines promulgated by the Commission.

Rule XV
Tax-and-Duty-Exemption

SECTION 74. Definition - The Commission shall be exempt on all its income and duty obligations. All materials that are necessary and are not manufactured or produced locally for use of the Filipino artist shall be tax-or-duty-free. Toward this end, the Commission, through the Chair, may enter into Memoranda of Agreement or similar formal arrangements with the Department of Finance, Bureau of Internal Revenue, Bureau of Customs and other agencies that will facilitate the implementation of this Rule.

Rule XVI
Revolving Fund

SECTION 75. Source - The income of the Commission not exceeding the amount of Five Hundred Thousand Pesos (P500,000.00) derived from the proceeds of sales of cultural items or publications shall be constituted as a revolving fund for the fabrication of such items or printing of such publications. Sales proceeds in excess of the aforementioned amount shall be remitted to the National Treasury and shall accrue to the General Fund.

Rule XVII
Conflict of Interest

SECTION 76. Conflict of Interest - The officers and employees of the Secretariat, as full time government employees, shall not engage in activities that may reduce their effectiveness in discharging their responsibilities, always bearing in mind that they owe an undivided duty and loyalty to the people.

Members of the NCCA community shall act with outmost impartiality. They shall desist from participating in any way in the analysis, evaluation or approval of any project or grant application in which they have a direct or indirect interest, whether favorable or adverse, and whether the project application is made by them or by organizations of which they are directors, trustees or officers.

In situations where there is possibility of conflict of interest, the NCCA community member concerned shall declare in writing the nature of the possible conflict of interest and shall desist from participation in any

discussion of the proposal. In such cases, the Commission shall study the circumstances of the case and may conclude that there is no conflict of interest or may decide using its discretion, to waive the provisions on conflict of interest in the particular case.

Rule XVIII
Miscellaneous Provisions

SECTION 77. Amendments - Amendments to these Implementing Rules and Regulations may be adopted by the Commission after due consultation, as far as practicable, with all the sectors concerned; provided that nothing in this document shall be understood to limit the authority of the Commission to approve policies, procedures and rules that are not inconsistent with the spirit and intent of R.A. No. 7356.

Rule XIX
Repealing Clause

SECTION 78. Repealing Clause - All rules and regulations approved by the Commission regarding the implementation of R.A. No. 7356, which are inconsistent with these Rules and Regulations, are hereby repealed or amended accordingly.

Rule XX
Separability Clause

SECTION 79. Separability Clause - Any portion or provision of these Rules and Regulations that are declared by the Court as in contravention of R.A. No. 7356 shall not have the effect of nullifying other portions or provisions hereof where such portions or provisions can continue to subsist and be given effect in their entirety.

Rule XXI
Effectivity Clause

SECTION 80. Effectivity Clause - These Implementing Rules and Regulations shall take effect 15 days after publication in the Official Gazette or in a newspaper of general circulation.

Adopted: 02 April 2004

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[*] The Board may consider inviting the CHED and the TESDA at the Commission meetings as resource persons/observers.

[** **]At present, however, the highest official of the NHI is the Chairperson, pursuant to the appointment on April 1, 2002 issued by President Gloria Macapagal Arroyo.

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