

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 1736

INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

The 1987 Constitution, Sections 14-16 on Arts and Culture provides that:

Section 14. The State shall foster the preservation, enrichment, and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression.

Section 15. Arts and letters shall enjoy the patronage of the State. The State shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations.

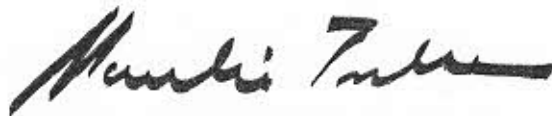
Section 16. All the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the protection of the State which may regulate its disposition.

Thus, the bill seeks to amend R.A. No. 9167, specifically to provide for the protection, preservation, conservation, restoration, recognition and identification of cinematic films by the National Film Development Council. Further, it grants the Council the function to establish the National Film Archives that shall list all cinematic films that are culturally, historically and aesthetically significant to Filipino Heritage.

Almost all countries with a film industry have national film archives or libraries where this delicate art form can be cared for and preserved so future generations can still enjoy and use it. In fact, even developing countries like Indonesia, Vietnam, India, and Cuba have national film archives.

Enduring steep competition against foreign commercial films, our film industry does not have enough long-term resources to sustain a film archive on its own. It needs the assistance of the government.

Hence, the immediate passage of this bill is earnestly sought.



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AN ACT
AMENDING REPUBLIC ACT NO. BY PROVIDING FOR A NATIONAL FILM
ARCHIVE TO BE MANAGED BY THE FILM DEVELOPMENT COUNCIL

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 3 of Republic Act No. 9167 is hereby amended as follows:

"Sec.3. Powers and Functions The Council have the following powers and functions:

xxx

"10. TO ESTABLISH AND MAINTAIN A NATIONAL FILM ARCHIVE in order to conserve and protect film negatives and/or prints as part the nation's historical, cultural and artistic heritage;"

"11. TO DEVELOP PROGRAMS THAT PROMOTE AND ENCOURAGE THE AVAILABILITY OF FEATURE FILMS FOR EDUCATION PURPOSES AND EXHIBITION IN EDUCATIONAL INSTITUTIONS AND OTHER ENTITIES TO DEVELOP THE FILIPINO'S CULTURAL AND SOCIAL VALUE AND TO BETTER UNDERSTAND AND APPRECIATE THE FILIPINO IDENTITY AND NATIONHOOD;"

"12. TO ENSURE THE ESTABLISHMENT OF AN OUTREACH PROGRAM, WHICH WILL MAKE RESOURCES AVAILABLE TO DISADVANTAGED COMMUNITIES. THE MAIN AIM OF THE OUTREACH SECTION IS TO TAKE THE CINEMA PEOPLE WHERE THE DISADVANTAGED COMMUNITIES CAN BENEFIT FROM IT. THIS IS DONE IN CONJUNCTION WITH OTHER ORGANIZATIONS SUCH AS SCHOOLS, CHURCHES AND COMMUNITIES: AND"

"13. TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT."

SEC. 2 Section 13 of Republic Act 9167 is hereby amended as follows:

"Sec 13. Privileges of Graded films- films which have obtained an "A" or "B" grading from the Council pursuant to Sections 11 and 12 of this Act shall be entitled to the following privileges:

xxx

B. FILMS WHICH HAVE OBTAINED A RATING OF "A" OR "B" SHALL BE AUTOMATICALLY INCLUDED AMONG THE FILMS WHOSE COPY OR COPIES SHALL BE PRESERVED AND KEPT AT THE NATIONAL FILM ARCHIVE AS PROVIDED IN SEC. 14-A."

SEC.3. There is hereby added a new section to read as follows:

"SEC. 14-A. NATIONAL FILM ARCHIVE THERE IS HEREBY CREATED A NATIONAL FILM ARCHIVE .TO BE MANAGED AND MAINTAINED BY THE FILM DEVELOPMENT COUNCIL.

THE FILM NEGATIVES TO BE CONSERVED AND PROTECTED BY THE NATIONAL FILM ARCHIVE SHALL BE SELECTED AS FOLLOWS:

A. THE CINEMA EVALUATION BOARD SHALL RECEIVE, EVALUATE, AND APPROVE ALL REQUESTS FOR INCLUSION IN THE NATIONAL FILM ARCHIVE OTHER THAN THOSE RATED "A" OR "B" AS PROVIDED IN SEC. ; AND

B. NOMINATIONS FOR INCLUSION MAY BE MADE FOR OLD OR CLASSIC FILMS AS WELL AS NEW FILMS, INCLUDING FEATURE FILMS, DOCUMENTARIES AND OTHER TYPES OF FILM, BY FILM REVIEWERS AND CRITICS, FILM ACADEMIES OR SCHOOLS, PRODUCERS, DIRECTORS AND OTHER INTERESTED PARTIES."

SEC. . There is hereby added a new section to read as follows:

"SEC. 14-B. THE COUNCIL SHALL FOLLOW THE HIGHEST KNOWN STANDARDS OF PRESERVATION OR MAINTENANCE OF ARCHIVED FILMS TO PREVENT DAMAGE OR LOSS THRU SPOILAGE, DECAY, DISINTEGRATION, INCINERATION AND OTHER CAUSES."

SEC. . There is hereby added a new section to read as follows:

"SEC. 14-C. ACCESS TO THE FILM ARCHIVES -THE COUNCIL SHALL FORMULATE SUITABLE RULES FOR ACCESSING FILMS IN THE ARCHIVES BY LEGITIMATE USERS AND MAY CHARGE FEES THEREFORE, PROVIDED THAT COPYING OR DUPLICATION SHALL NOT BE ALLOWED EXCEPT WITH THE WRITTEN PERMISSION OF THE COPYRIGHT HOLDER."

SEC. 6. Implementing Rules and Regulations The Film Development Council shall, within six (6) months from the effectivity of this Act, promulgate the necessary rules and regulations to effectively implement the same.

SEC. 7. Separability Clause If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SEC. 8. Repealing Clause All laws, decrees, executive orders, issuances, rules and regulations, or parts thereof, not consistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 9. Effectivity Clause. -This Act shall take effect fifteen (15) days after its complete publication in the official Gazette or in at least two (2) newspapers of national circulation.

Approved,