

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1144



Introduced by Representative Alfredo D. Vargas III

EXPLANATORY NOTE

In the recent times, the local arts and entertainment industry in the country has slowly been declining in terms of viewer statistics and income. Hollywood films have surpassed its local counterparts in the mainstream movie industry. In fact, there would only be less than twenty (20) films which are of good quality and can be showcased internationally.

It is also noteworthy that movies and such art forms are tools in shaping public opinion. These art forms affect the socio-economic and socio-political spheres of the society.

In this measure, we are encouraging producers, film makers and entertainment professionals to venture deeper in the industry which serves as a vitrine of our centuries-old culture. Alongside its economic and commercial benefits, we also aim to integrate social relevance and foster creativity in this bill. Through the enactment of this bill, we can see the industry transform to something that is supportive of the needs of the people and is leaning on indigenous culture.

As first filed by the Former Representative from Taguig City, the Honorable Sigfrido R. Tinga, the general aim of the bill is still the same – the promotion of the said industry with government intervention.

Having said these, the passage of this bill is sincerely pursued.


ALFREDO D. VARGAS III

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HOUSE BILL NO. **1144**

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AN ACT

PROMOTING LOCAL ARTS AND ENTERTAINMENT INDUSTRY BY PROVIDING THE LOCAL MOVIE AND FILM INDUSTRY CORPORATE TAX BREAKS AND EXEMPTING VENUE OPERATORS FROM THE PAYMENT OF AMUSEMENT TAX WHEN SHOWING LOCALLY PRODUCED FILMS AND MUSIC EVENTS FEATURING FILIPINO ARTISTS

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

SECTION 1. **Short title** - This act shall be referred to as "*Local Arts and Entertainment Industry Promotions Act.*"

SECTION 2. **Declaration of Policy** - It is hereby declared policy of the State to protect the local arts and entertainment industry and raise its competitiveness in the international marketplace, as well as keep the industry afloat despite the threat of digital piracy, by providing them the necessary income tax breaks, and exempting exhibitors from the payment of amusement tax thus assisting produces, film companies, and local artists in reducing their costs, improving the quality of their craft, and making their product more competitive in the global marketplace.

SECTION 3. ***Tax Exemption*** - Any local producer of a film or movie utilizing one hundred per centum (100%) local staff may claim the total expenses incurred in the execution, production and showing of the film: *Provided*, that the claim for exemption shall be allowed as deduction from the company's gross income for the same taxable year: *Provided further*, that the total amount of the claimed tax exemption shall be included in their gross income or revenues and shall be subject to proper documentation and to the provisions on allowable deductions covered by Chapter IX of the National Internal Revenue Code (NIRC), as amended.

SECTION 4. Section 140 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 is hereby amended to read as follows:

"SECTION 140. ***Amusement Tax*** - (a.) The province may levy an amusement tax, to be collected from the proprietors, lessees, or operators of theaters, cinemas, concert halls, circuses boxing studios and other places SHOWCASING VARIOUS FORMS OF AMUSEMENT AND ENTERTAINMENT AT A RATE OF NOT MORE THAN THIRTY PER CENTUM (30%) OF THE GROSS RECEIPTS FROM ADMISSION FEES, *PROVIDED*, THAT THIS IMPOSITION SHALL NOT APPLY TO LOCALLY PRODUCED FILMS THAT FEATURE A PREDOMINANTLY FILIPINO CAST OF AT LEAST 80 PER CENTUM (80%) THAT HAVE BEEN CLASSIFIED BY THE MOVIE AND TELEVISION REVIEW AND CLASSIFICATION BOARD (MTRCB) AS FIT FOR COMMERCIAL VIEWING.

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(c) The holding of LOCALLY PRODUCED operas, concerts, dramas, recitals, painting and art exhibition, flower shows, musical programs, literary and oratorical presentations [(except) INCLUDING pop, rock or similar concerts []] FEATURING FILIPINO ARTISTS shall be exempt from the tax herein imposed."

SECTION 5. Section 109 of Republic Act No. 8424, otherwise known as the National Internal Revenue Code, as amended by Republic Act No. 9337, is hereby amended to read as follows:

“SECTION 109. *Exempt Transactions* - (1) Subject to the provisions of subsection (2) hereof the following transactions shall be exempt from the value-added tax:

IMPORTATION OF RAW MATERIALS AND EQUIPMENT BY PERSONS ENGAGED IN THE BUSINESS OF MAKING FILMS AND OTHER CINEMATOGRAPHIC WORK, PRODUCING MUSIC ALBUMS, THEATRICAL PLAYS, RECITALS AND OTHER SIMILAR ARTISTIC CREATIONS, FOR USE IN PRODUCING SUCH, INCLUDING BUT NOT LIMITED TO DIGITAL MEDIA, *PROVIDED*, THAT THE BUREAU OF INTERNAL REVENUE (BIR) SHALL HAVE THE EXCLUSIVE RIGHT TO DETERMINE, AFTER PRIOR CONSULTATION WITH MEMBERS OF THE FILM INDUSTRY, THE RAW MATERIALS AND EQUIPMENT THAT SHALL BE EXEMPT FROM VALUE ADDED TAX.”

SECTION 6. *Implementing Rules and Regulations* - The Chairpersons of the MTRCB and the National Commission for Culture and the Arts, in consultation with two accredited performing arts organization and one film producers organization of the Philippines and the BIR, within sixty (60) days from the effectivity of this Act, issue the necessary rules and regulations governing this Act.

SECTION 7. *Repealing Clause* - All laws, decreed, executive orders, proclamations, rules and regulations, and other issuances, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed and modified accordingly.

SECTION 8. *Effectivity* - This Act shall take effect (15) days after publication in the Official Gazette and in one (1) national newspaper of general circulation.

Approved,