

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Philippines

**SIXTEENTH CONGRESS**  
First Regular Session

HOUSE BILL NO. **4218**



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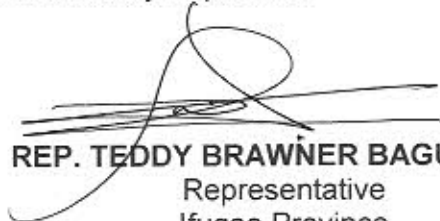
**INTRODUCED BY: REP. TEDDY BRAWNER BAGUILAT**

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**EXPLANATORY NOTE**

Article XIV, Section 15 of the 1987 Philippine Constitution provides that "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." In view thereof, Executive Order No. 255 series of 1987 decrees the broadcast of a minimum of four (4) Original Pilipino Musical Composition in every clockhour of a program with a musical format. Furthermore, Republic Act No. 7356 created the National Commission for Culture and the Arts, including the National Committee on Music. However, despite these enactments, the popularization of OPM among Filipinos, more so its viability as a sustainable effort by Filipino composers, musicians, producers, performers, remains a colossal challenge. Now more than ever, where foreign artists dominate the local concert scene, where there is no month in a year where a foreign artist would be holding a performance in the Philippines, where foreign artists compete with each other completely obliterating any competition from local artists, should the Philippines take measures to support and promote its local artists and prevent the imminent death of OPM.

Immediate approval of this measure is earnestly requested.

  
**REP. TEDDY BRAWNER BAGUILAT**  
Representative  
Ifugao Province

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**AN ACT PROVIDING FOR THE PROMOTION, PROTECTION AND  
DEVELOPMENT OF THE PHILIPPINE MUSIC INDUSTRY AND FOR OTHER  
PURPOSES**

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

1       **SECTION 1. *Short Title.*** - This Act shall be known as the "OPM Development  
2 Act of 2014"

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5       **SECTION 2. *Declaration of Policy.*** – It is hereby declared the policy of the  
6 State to support original Filipino Music and guard against preferential treatment of  
7 foreign music in the Philippines to the detriment of the Philippine Music Industry.

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10       **SECTION 3. *Definition of Terms.*** – As used in this Act:

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12       (a) "Accreditation" shall mean the in-depth assessment of an artist-performer guild  
13       or artist-composer guild with particular focus on whether it is able to look  
14       after and promote the welfare of its members.  
15  
16       (b) "Artist" shall refer to any person who acts, composes, conducts, creates,  
17       dances, delivers, declaims, plays, sings or otherwise performs a musical  
18       composition.  
19  
20       (c) "Broadcast" shall refer to either wire or wireless transmission of sounds and/or  
21       images to the general public.  
22  
23       (d) "Broadcasting Organization" shall refer to proprietorships duly authorized to  
24       engage in broadcasting activities.  
25  
26       (e) "Equity Fees" shall refer to fees collected as remuneration for the  
27       displacement of Filipino performers by foreign performers.

- 28  
29 (f) "Lead Artist" shall refer to the artist/s top billing a performance.  
30  
31 (g) "Minor Artist" shall refer to back-up singers, dancers, musicians or any other  
32 artist in a performance other than the Lead Artists.  
33  
34 (h) "Original Pilipino Music or OPM" shall refer to a musical composition originally  
35 created, composed or performed by a Filipino.  
36  
37 (i) "Performance" shall refer to the live or recorded staging of an artist's talents.  
38  
39 (j) "Performance Workers" shall refer to crewmembers or any person who works,  
40 helps or assists in the staging of a performance, other than an artist.  
41  
42 (k) "Performer" shall refer to an artist belonging to any of the following classes or  
43 categories: singer, musician, theater actor, dancer and other similar  
44 classes or categories.  
45  
46

47 **SECTION 5. *Strengthening the National Committee on Music.*** – The  
48 National Committee on Music ("NCM"), under the Subcommittee on the Arts of the  
49 National Commission for Culture and the Arts ("Commission"), shall have the  
50 following additional powers and functions:  
51

- 52 (a) Provide guidelines and regulate all domestic and foreign producers and  
53 events or concert organizers intending to bring into the Philippines  
54 foreign artists who will present or stage a public performance of  
55 musical works;  
56  
57 (b) Determine the amount of and collect equity fees, which shall be  
58 adjusted from time to time, from all foreign lead artists, minor artists  
59 and performance workers in accordance with this Act;  
60  
61 (c) Devise a system of and grant Tax Credits to Broadcast Organizations  
62 in accordance with this Act;  
63  
64 (d) Review and provide for a system of payment of royalties to Filipino  
65 creators and owners of original musical works; and  
66  
67 (e) Devise and administer an Accreditation System for artist-performer and  
68 artist-composer guilds.  
69  
70

71 **SECTION 6. *Accreditation of Guilds.*** – The NCM shall accredit only one  
72 guild per category or class of performer or artist. The accreditation given to a guild  
73 pursuant to this Act shall be valid for only two (2) years and may be renewed yearly  
74 thereafter.  
75  
76

77       **SECTION 7. *Permanent Seats in the Executive Council of the NCM.*** –  
78       One representative from any of the duly-accredited performers' guilds and one  
79       representative from the duly-accredited composers' guild shall each have a  
80       permanent seat in the Executive Council of the NCM. The said representatives to the  
81       Executive Council shall be chosen by the Commission.  
82

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84       **SECTION 7. *Reciprocal Equity Fees.*** – The Equity fee chargeable to a  
85       foreign lead artist, minor artist and performance worker shall be equivalent to the  
86       amount being charged to a Filipino lead artist, minor artist and performance worker  
87       in the country of origin or registered country of the said foreign artists or performance  
88       workers.  
89

90  
91       **SECTION 8. *Equity Fund.*** – The income from equity fee shall be constituted  
92       into a Fund to be exclusively used for the benefit of local performers who are  
93       members of any of the performers' guilds duly-accredited by the NCM. The fund  
94       shall be collected, administered and managed by the NCM in accordance with its  
95       rules.  
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97  
98       **SECTION 9. *Tax Credits.*** – All broadcasting organizations broadcasting a  
99       minimum of four (4) Original Pilipino Music in every clock hour of a program shall be  
100      entitled to a tax credit, the amount of which and the rules governing therefor shall be  
101      provided by the NCM in consultation with the Bureau of Internal Revenue.  
102

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104      **SECTION 10. *Implementing Rules and Regulations.*** - The Commission  
105      shall issue Rules and Regulations implementing this Act within thirty (30) days from  
106      the effectivity hereof.  
107

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109      **SECTION 11. *Separability Clause.*** – If any section or part of this Act is held  
110      unconstitutional or invalid, the other sections or provisions shall remain in full force  
111      and effect.  
112

113  
114      **SECTION 11. *Repealing Clause.*** – All laws, decrees, executive orders, rules  
115      and regulations, issuances or any part thereof, insofar as they are inconsistent with  
116      the provisions of this Act, are deemed repealed.  
117

118  
119      **SECTION 12. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
120      publication in at least two (2) newspapers of general circulation.