

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Third Regular Session



HOUSE BILL NO. 6065

Introduced by **HON. LINO S. CAYETANO**

AN ACT
PROVIDING FOR AN 'ARTISTS WELFARE PROTECTION AND
INFORMATION ACT', AND PROVIDING FUNDS FOR THE PURPOSE

EXPLANATORY NOTE

The 1987 Philippine Constitution in Article XIV, Section 14 provides that 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. The provision is complemented by Section 17 in the same Article which states that the State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies.

Despite these constitutional provisions, our artists - whether engaged in visual or performing arts - have not acquired a professional working status and standardized benefits as those enjoyed by regular workers. They are not afforded medical, disability, retirement, death insurance and housing benefits despite their contributions to the country's cultural development. As a result, there has been a clamor by numerous groups, such as the Artists Welfare Project, to promote and protect artists' well-being and development with the end goal that doing so will result in contributing to the overall development and well-being of the country.

The United Nations Education Scientific and Cultural Organization

(UNESCO) General Conference in 1980 adopted the Recommendations concerning the Status of Artist. As a standard-setting instrument, it aims to strengthen policies and measures around the professional, social, and economic status of artists, thus enabling them to work, create, and organize successfully in an enabling environment. It recognized that "the artists face increasing challenges and opportunities because they operate in a globalized and digital age, marked by economic and/or social transitions, shifting communication, trade and consumption trends, and rapidly evolving technologies."

In view of these recommendations, it is the duty of the State to enact and implement appropriate policies for the welfare and protection of artists including members of the indigenous cultural communities. The Bill seeks to achieve these objectives.

Immediate approval of this measure is requested.


LINO S. CAYETANO
2nd District, City of Taguig

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

ARTICLE I
GENERAL PROVISIONS

SECTION 1. Short Title. - This Act shall be known as the "Artists Welfare Protection and Information Act of 2015."

SECTION 2. Declaration of Policy - The State shall protect and promote the rights of an artist to be considered as a person actually engaged in cultural work and to benefit from all legal, social and economic advantages pertaining to the status of workers. Pursuant to this, the state shall:

- (a) Improve the social security, labor, medical, and legal conditions of the artist, whether employed or self-employed, taking into account their contributions to cultural development, through a system of accreditation.
- (b) Help create and sustain a culture encouraging freedom of artistic expression and communication, and to facilitate the release of necessary resources in developing the artists' creative talents.
- (c) Recognize artists as professionals, granting them the corresponding rights and privileges, to enable them to collectively defend their common interests.

(d) Protect the artists' sensibilities and material rights over their works or performances, or any other use made of them to confirm their artistic dignity and integrity.

(e) Provide second/alternative career opportunities to artists who wish to retire from their respective art.

(f) Develop means of providing welfare and legal information to artists.

The State is submitting this legislation in honor of the countless recognitions and achievements of the Filipino Artists

SECTION 3. Coverage - This Act applies to all accredited artists, as defined herein, employed and working within the country and those outside of the country who are covered by recruitment programs/contracts and placement offices/agencies.

SECTION 4. Definition of Terms –

(a) **Accreditation** - shall mean the assessment, of an artist or guild based on the Accreditation Requirements as provided herein, for purposes of availing the provisions and benefits provided in this Act.

(b) **Accredited Artist** - refers to an artist who is a Filipino, at least 18 years of age, in compliance with the requirements for Accreditation provided in Section 7, or those members of existing arts guilds duly registered and accredited as provided for by law.

(c) **Artist** -It is taken to mean any person who creates or gives creative expression to, or recreates works of art, who considers his artistic creation to be an essential part of his life, who contributes in this way to the development of art and culture and who is or asks to be recognized as an artist, whether or not he is bound by any relations of employment or association. This includes Indigenous Artists and Cultural Performers.

(d) **Collecting Agent / Foreign Collecting Agent** - It shall refer to any person, natural or juridical, domestic or foreign including, for purposes of foreign work, manning, placement, and recruitment agencies, who hire and use the services of an artist. The collecting agent shall be responsible for the remittance of contribution of the artist to the SSS/GSIS, Pag-IBIG, and PhilHealth. The contribution shall be automatically deducted from the compensation paid to the artist.

(e) **Cultural Performer** - refers to an artist who practice culturally-accepted art forms in their communities, such as *composo*, *zarzuela*, and other forms of art not defined herein. It may also refer to an artist who, although not a member of any Indigenous Cultural Community/ Indigenous Peoples ("ICC/IP") group, has been consented by

the latter to use IP clothing and related paraphernalia, artifacts, other cultural symbols and expressions, in accordance with the community standards and attributed meanings.

(f) **Indigenous Peoples Artists** - refers to artists who are members of Indigenous Cultural Communities / Indigenous Peoples groups who themselves are certified by their respective community as bearers of oral traditions, literature, designs, visual, performing arts and other cultural expressions.

(g) **Second / Alternative Career** - is any career, as enumerated under Section 17 of this Act, which an artist may engage into after leaving their main career due to age, incapacity and other reasons, or any career which an artist may engage into while still active in their major area of specialization due to the latter's seasonal or contractual nature.

(h) **Welfare Protection** - shall refer to the government's duty of providing rights and privileges to duly-accredited artists and ensuring the protection of their works and talents to maintain a minimum standard of well-being, specifically providing: PhilHealth, Pag-IBIG, SSS/GSIS, among other benefits.

(i) **Welfare Information** - shall refer to the government's duty to provide knowledge awareness and understanding to duly-accredited artists in terms of legal, medical, proprietary, educational, and second careers/alternative careers, among others

ARTICLE II RIGHTS AND PRIVILEGES

SECTION 5. Benefits - An accredited artist shall have the rights and privileges to be provided with PhilHealth, SSS/GSIS, Home Development Mutual Fund (Pag-IBIG), and shall be entitled to all other benefits as provided by the pertinent provisions of law.

SECTION 6. Artist Education and Information - An accredited artist shall have the rights and privileges of free legal aid and information, medical assistance, hospitalization, and options for Second/Alternative Careers.

SECTION 7. Accreditation Requirements - A guideline shall be issued for the purpose of defining an Accredited Artist. The National Commission on Culture and the Arts ("NCCA") must issue the guidelines in consultation with the relevant organizations engaged in Literary Arts, Dance, Music, Theater, Film, Architecture, Visual and Design Arts, Arts Management and Production Design, and all other equivalent art forms/disciplines. The presumption shall always be resolved in favor of accreditation.

SECTION 8. Application/Approval Procedure - Artists shall submit the necessary documents to support their application for Accreditation to the Local Arts Council, or to the Provincial, City, or Municipal Tourism Office or to the duly recognized Arts Guild in which they are members who shall determine the compliance requirements and shall issue a certificate of accreditation based on the accepted/recognized aesthetic sensibility of its artistic community; Provided, the Tourism Office stated herein may require written recommendation from recognized artist in the Local Government Unit prior to approval of accreditation. Provided further, for Indigenous Artists, requirements shall be submitted to and approved by the National Commission for Indigenous Peoples in their Province. The NCCA, through the Artist's Welfare Office as stated in Section 19, Article V herein, may provide additional procedures/requirements that shall encourage meaningful accreditation of artists and ensure the aesthetic quality and creativity of the various art forms.

ARTICLE III

SSS/GSIS, PHILHEALTH, AND PAG-IBIG - FUND COVERAGE

SECTION 9. Accredited Artists shall be covered by the Social Security System; Other Benefits. - An Accredited Artist shall be covered by the Social Security System ("SSS") or Government Service Insurance System ("GSIS"), the Philippine Health Insurance Corporation ("PhilHealth"), and the Home Development Mutual Fund ("Pag-IBIG"), and shall be entitled to all the benefits including but not limited to insurance, funeral, burial and financial assistance and scholarships to children, in accordance with the pertinent provisions provided by law. Payment of premiums or contributions shall be shouldered by the employer/principal who shall act as the collecting agent for the artist.

SECTION 10. Payment of Premiums/Contributions - The payment by the collecting agent, for and in behalf of the accredited artist, shall be based on an annual amount to be determined by the respective agencies stated herein.

SECTION 11. Multiple Payments/Contributions - In case of multiple payments/contributions exceeding the annual contribution as stated herein, the excess shall be carried over to the succeeding year.

SECTION 12. Deficiency of Premium/Contribution Payments - In case of deficiency of payment, the accredited artist shall pay the deficiency/difference as stated in the category/schedule of payments, to be provided by the SSS/GSIS, PhilHealth, Pag-IBIG, as the case may be. Artists who do not have collecting agents, as defined under Section 4 (d), Article I, shall comply with the provisions of voluntary contribution.

SECTION 13. Category/Schedule of Payment - The SSS/GSIS, PhilHealth, Pag-IBIG, and other agencies that shall benefit the artist, shall create a category/schedule of payment for accredited artists in compliance with existing laws.

SECTION 14. Artists Village – In coordination with the National Commission on Culture and the Arts, PAG-IBIG and other relevant government offices, a housing community to be known as the Artists Village shall be established. Suitable idle land shall be identified for the purpose. The Artists Village shall be provided to the accredited artists. Existing housing programs for the sectors shall be strengthened, improved and developed using available funds.

ARTICLE IV INFORMATION ASSISTANCE - COVERAGE AND PROCEDURE

SECTION 15. Legal Information / Assistance - The accredited artist shall be provided with free legal information through the National Committee on Legal Aid of the Integrated Bar of the Philippines for the registration and protection of their intellectual property rights over their literary, artistic works, performances and other works as defined under RA 8293, otherwise known as the "Intellectual Property Code of the Philippines," and other pertinent laws. Accredited Artists as defined by this Act shall be provided with free legal services in criminal, civil, labor, administrative and other quasi-judicial cases by the Public Attorney's Office pursuant to the provisions of RA 9406.

SECTION 16. Medical and Dental Assistance - The accredited artist shall be provided with free medical and dental assistance through the Philippine Medical Association, Philippine Hospital Association, and the Philippine Dental Association. An accredited artist, as defined by this act, shall be provided with free medical and dental services in all government hospitals, aside from the benefits that an accredited artist may avail through the PhilHealth.

SECTION 17. Second / Alternative Careers - An accredited artist shall be provided with Second/Alternative Careers as enumerated, but not limited to the following:

- (a) Mentor to tutorial or remedial art classes integrated with the Department of Education and Commission on Higher Education curricula.
- (b) Trainee in skills implementation program and ladderized education, as provided by Technical Education and Skills Development Authority ("TESDA"), in coordination with the NCCA, through the latter's commission-based, community-based or enterprise-based programs, whichever is applicable.

(c) The TESDA, in coordination with the Philippine Overseas Employment Administration ("POEA"), shall devise systems which will pave the way for the accredited artists to obtain job opportunities from foreign countries.

(d) The POEA and the Department of Foreign Affairs, in coordination with the NCCA shall establish mechanisms to ensure the welfare and employment, social security and health benefits of accredited artists working in foreign countries.

SECTION 18. Arts Awareness in the Elementary and High School Curricula – Arts Appreciation and Awareness and Cultural Understanding shall be part of the curricula in the elementary, high school and K-12 Program. The accredited artists available in a community shall be seconded and shall assist teachers in the school in the art classes and culture subjects.

ARTICLE V MISCELLANEOUS PROVISIONS

SECTION 19. The Role of the National Commission for Culture and the Arts - The NCCA, as the policy making agency for the Artists Welfare Act, shall create an Artist's Welfare Office which shall serve as the oversight body in compliance with the provisions of this Act.

SECTION 20. Dispute Resolution - In cases of disputes among from the certification/accreditation or disqualification of artists, the NCCA through the Artist's Welfare Office, shall resolve such dispute.

SECTION 21. Payment of Taxes - The Bureau of Internal Revenue ("BIR") shall provide assistance to artists covered by this Act in their registration and payment of taxes. The BIR shall also ensure that artists will be given authority to print official receipts pursuant to BIR rules and regulations.

SECTION 22. Continuing Studies on Special Privileges for Artists - The NCCA in coordination with other government offices, arts sector and academic institutions is mandated to conduct studies and researches on the feasibility of granting discount privileges to artists in particular those who are earning below the minimum wage law or those artists whose employment opportunities are intermittent.

SECTION 23. Separability Clause - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 24. Repealing Clause -All laws, decrees, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 25. Effectivity Clause - This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,