

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

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5274**



Introduced by Rep. Christopher P. De Venecia

**AN ACT
PROVIDING FOR ARTISTS WELFARE PROTECTION**

EXPLANATORY NOTE

Section 14 of Article XIV of the 1987 Constitution 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." This provision is complemented by Section 17 of 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."

The Filipino artist plays an important role in the life and evolution of the Philippines, influencing the conception of the country and shaping the national consciousness. The Filipino artist, through his/her own creative expression, is a catalyst for values formation and societal transformation – a creative cohort in efforts to address social issues.

Despite the constitutional mandate and their contribution to the country's cultural development, Filipino artists remain a specialized type of working class that is not protected by law. Filipino artists still 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.

The United Nations Education Scientific and Cultural Organization (UNESCO) General Conference in 1980 adopted the Recommendations concerning the Status of the Artist. As a standard-setting instrument, it aims to guide its Member States in formulating policies regarding the professional, social, and economic status of artists. It emphasized that "*action by the public authorities is becoming necessary and urgent in order to remedy the disquieting situation of artists in a large number of Member States, particularly with regard to human rights, economic and social circumstances and their conditions of employment.*"

Furthermore, the Recommendations stated that public authorities must act "*with a view to providing artists with the conditions necessary for the development and flowering of their talents, and appropriate to the role that they are able to play in the planning and implementation of cultural policies and cultural development activities of communities and countries and in the improvement of the quality of life.*"

The Recommendations concerning the Status of the Artist likewise recognizes that "artists have the right to establish trade unions and professional organizations of their choosing and to become members of such organizations, if they so wish and [Member States, through appropriate legislative means] should make it possible for organizations representing artists to participate in the formulation of cultural policies and employment policies, including the professional training of artists, and in the determination of artists' conditions of work."

In view thereof, this bill aims to improve the social security, labor, medical, and legal conditions of the artist through a system of accreditation and to recognize artists as professionals and empowering them to self-organize and collectively defend their common interests.

In view of the foregoing, the approval of this bill is earnestly sought.



REP. CHRISTOPHER P. DE VENECIA
Fourth District, Pangasinan

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

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5274**

Introduced by Rep. Christopher P. De Venecia

AN ACT
PROVIDING FOR ARTISTS WELFARE PROTECTION

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “*Artists Welfare Protection Act.*”

SEC. 2. *Declaration of Policy.* – Pursuant to Sections 14 and 15 of Article XIV of the 1987 Constitution, it is hereby declared the policy of the State to 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. 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, social and economic development, through a system of accreditation;
- b) Recognize artists as professionals, granting them the corresponding rights and privileges, to enable them to self-organize and collectively defend their common interests;
- c) Establish and protect the right of associations representing artists to be recognized in law and to promote the professional and socio-economic interests of their members;
- d) Provide second/alternative career opportunities to artists who wish to retire from their respective arts or crafts; and
- e) Develop means of providing welfare and legal information to artists.

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

SEC. 4. Definition of Terms. – As used in this Act, the following terms shall mean:

- a) *Accreditation* refers to 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 Filipino, at least eighteen (18) years of age, and has complied with the Accreditation Requirements as provided herein, or the members of artists' associations duly registered and accredited as provided herein.
- c) *Artist* 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 or her 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 or she is bound by any relations of employment or association.
- d) *Artists Associations* are associations of artists formed for the purpose of providing appropriate protection for the professional interests of the artists they represent, collectively negotiating, fixing, maintaining, changing or improving the terms and conditions in employment.
- e) *Collecting Agent/Foreign Collecting Agent* refers 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, PagIBIG and Philhealth. The contribution shall be automatically deducted from the compensation paid to the artist.
- f) *Hazardous Work* refers to services performed by an artist which expose the artist to hazards likely to cause any disabling injury, illness, death or physical or psychological harm.
- g) *Second/Alternative Career* refers to any career, as enumerated in this Act, which an artist may engage into after leaving their main career due to age, incapacity, or 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* refers 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 SSS/GSIS, PagIBIG and PhilHealth, among other benefits.
- i) *Welfare Information* refers to the government's duty to provide knowledge awareness and understanding to duly-accredited artists in terms of legal, medical, proprietary, educational, and second/alternative careers, among others.

CHAPTER II RIGHTS AND PRIVILEGES

SEC. 5. *Social Welfare Benefits.* – An Accredited Artist shall have the right to social protection, including but not limited to, SSS/GSIS, PagIBIG, PhilHealth and to all other benefits as may be provided for by law. The said agencies shall create a category/schedule of payments for Accredited Artists in compliance with existing laws.

- a) Payments of premiums and contributions shall be shouldered by the collecting agent based on an annual amount to be determined by the respective government agencies stated herein.
- b) In case of multiple payments/contributions exceeding the annual contribution, the excess shall be carried over to the succeeding year.
- c) 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, PagIBIG, as the case may be. Artists who do not have collecting agents shall comply with the provisions of voluntary contribution.

SEC. 6. *Accident Insurance.* – If the Accredited Artist is hired to provide services which involve hazardous work, accident insurance in favor of the artist shall be provided by the hiring party.

SEC. 7. *Legal Information and Assistance.* – The National Commission for Culture and the Arts (NCCA) shall provide Accredited Artists with free legal services in criminal, civil and labor cases and with free legal information for the registration and protection of their intellectual property rights over their literary and artistic works, performances and other works defined under Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines, and other pertinent laws.

SEC. 8. *Medical and Dental Assistance.* – The Accredited Artist shall be provided with free medical and dental assistance through the Philippine Medical Association (PMA),

Philippine Hospital Association (PHA), and the Philippine Dental Association (PDA) in all government hospitals.

SEC. 9. *Second/Alternative Careers.* – The NCCA, in coordination with the pertinent government agencies, shall device a system for Accredited Artists to obtain Second/Alternative Careers in the Philippines and outside, including but not limited to, annual cultural job fairs.

SEC. 10. *Artists Village.* – The NCCA, in coordination with other relevant government offices, shall establish a housing community for Accredited Artists to be known as the Artists Village. Suitable idle lands shall be identified for this purpose.

SEC. 11. *Freedom of Association.* – An artist is free to join an artists' association or guild, and to participate in its formation, activities and administration.

CHAPTER III ACCREDITATION

SEC. 12. *Accreditation Requirements.* – The NCCA shall issue guidelines for the purpose of defining the requirements for accreditation of artists and guilds, complying with the following minimum requirements:

- a) In the case of individuals, proof of artistic skill; and
- b) In the case of guilds, copies of its constitution and by-laws, list of officers, their addresses, and list of members; *Provided*, That, no by-laws of the association may have the effect of discriminating unfairly against an artist so as to prevent an artist from becoming or continuing as a member of the association.

The presumption shall always be in favor of accreditation.

SEC. 13. *Accreditation Application.* – Artists and artists associations shall submit the necessary documents to support their application for accreditation to the NCCA. An artists' association may, if duly authorized by its members, apply to the NCCA in writing for accreditation in respect of one sector:

- a) At any time, in respect of a sector for which no artists' association is accredited and no other application for accreditation is pending before the NCCA; and
- b) In case where there is an accredited artists' association of the same sector for which accreditation is applied, within the three months immediately before the date that the existing accreditation is about to expire.

The NCCA shall give public notice of any application for accreditation in respect of any sector without delay, indicating any period in which another application may be made

by any other artists' association, despite subsections (a) and (b), for accreditation in respect of that sector.

SEC. 14. Accreditation Approval. – If the NCCA is satisfied that an artists' association that has applied for accreditation in respect of a sector is the most representative of artists in that sector, the NCCA shall accredit the association.

SEC. 15. Accreditation Period. – Accreditation is valid for a period of three (3) years after the date that the NCCA issues the accreditation and, subject to subsection (b) of Section 13 hereof, is automatically renewed for additional three years.

SEC. 16. Extension of Period of Accreditation. – Where, in the three (3) months immediately before the date that the accreditation of an artists' association is to expire, an application for accreditation in respect of the same or substantially the same sector, or an application for revocation of accreditation, is filed, the period of validity of the association's accreditation is extended until the date the application is accepted or rejected and, where it is rejected, renewal of the association's certification takes effect from that date.

SEC. 17. Register. – The NCCA shall keep a register of all issued accreditations and of their dates of issuance.

SEC. 18. Effects of Accreditation. – After accreditation of an artists' association in respect of a sector:

- a) The association shall acquire legal personality upon accreditation;
- b) The association has exclusive authority to bargain on behalf of member artists in the sector;
- c) The accreditation of any association that previously represented artists in the sector is revoked in so far as it relates to them; and
- d) The association is substituted as a party to any agreement that affects the artists in the sector represented, to the extent that it relates to them, in place of the association named in the agreement or its successor.

SEC. 19. Application for Revocation of Accreditation. – An artist in a sector may apply to the NCCA for an order revoking an association's accreditation in respect of that sector on the following grounds:

- a) The association's by-laws have the effect of discriminating unfairly against an artist so as to prevent an artist from becoming or continuing as a member of the association, at any time;
- b) The association is no longer the most representative of artists in the sector, or has failed to make reasonable efforts to

protect the professional interests of its member artists, within the three months immediately before the date of the association's accreditation is to expire.

- c) Gross and evident bad faith in dealing with member artists;
- d) Tolerance of gross misconduct, discourtesy, dishonest or misrepresentation committed by any of the association's officers against its members; and
- e) Promoting, facilitating or conducting activities involving drug-related transaction and any form of exploitation of women and children.

SEC. 20. *Merger of Associations.* – An artists' association that succeeds an accredited artists' association as a result of a merger between associations acquires the rights, privileges and duties of that accredited association.

SEC. 21. *Dispute Resolution.* – In cases of disputes arising from the accreditation, the NCCA shall resolve such dispute.

CHAPTER IV MISCELLANEOUS PROVISIONS

SEC. 22. *Role of the National Commission for Culture and the Arts (NCCA).* – The NCCA shall create an Artist Welfare Office, which shall serve as the implementing body of this Act. It shall also create a Legal Assistance Office, which shall provide free legal services to Accredited Artists.

SEC. 23. *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 or those artists whose employment engagements are intermittent.

SEC. 24. *Appropriations.* – The amount necessary to implement this Act shall be charged against the annual appropriation of the National Commission for Culture and the Arts.

SEC. 25. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the NCCA, in coordination with SSS, PhilHealth and PagIBIG, shall promulgate the necessary rules and regulations from the implementation of this Act.

SEC. 26. *Separability Clause.* – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SEC. 27. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations, or others issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 27. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication either in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,