

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

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8077



Introduced by Rep. Nancy A. Catamco

EXPLANATORY NOTE

The 1987 Philippine Constitution enshrines the rights of Indigenous Cultural Communities (ICCs) and Indigenous Peoples (IPs) and provides for, as State policy, the recognition, protection, and promotion thereof.

Furthermore, Sections 31-33, Chapter VI of RA 8371, otherwise known as the Indigenous Peoples Rights Act (IPRA), provide for the recognition of cultural diversity in all forms of education, public information and cultural-educational exchange; the rights of Indigenous Peoples to their cultural, intellectual, religious, and spiritual property and the practice thereof. Accordingly, the State shall take effective measures to ensure that these rights are protected and promoted.

Meanwhile, the revolutionary development of mass media, particularly the movie and television industry, proves to be advantageous in the promotion of the abovementioned rights of Indigenous Peoples. However, while mass media proves beneficial for the promotion of indigenous cultures and traditions, they also pose disadvantageous risks for Indigenous Peoples. Along with the growing interest of mainstream media in the narratives of Indigenous Peoples comes the risk of the distortion, misinterpretation, and misappropriation of their cultures and traditions.

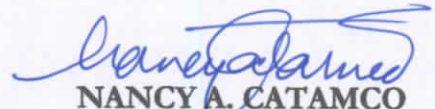
Antecedent to the filing of this bill is the issue that arose from the ABS-CBN TV series, *Bagani*. The inclusion of the term "*Bagani*" to the context of "an alternative fictional universe with elements of Filipino mythology and folklore"¹ is tantamount to denying its historicity and socio-cultural significance to Indigenous Peoples, especially to the Manobo ICCs/IPs from which the term "*Bagani*" originated. Any such misappropriation of names, place names, and any other indigenous concepts is detrimental to the socio-cultural life of Indigenous Peoples all over the country, especially considering that the movie and television industry plays a big role in influencing mainstream perception thereon.

It is the intent of this bill, therefore, to protect the intellectual property rights of Indigenous Cultural Communities and Indigenous Peoples in the course of their promotion in mainstream mass media, specifically in the movie and television industry. The bill lays down measures and minimum standards to be met by movie and television enterprises in portraying

¹ ABS-CBN Press Statement on "*Bagani*." 5 March 2018. Retrieved from <https://news.mb.com.ph/2018/03/07/ncip-cries-foul-on-bagani/> on 01 August 2018

and/or representing these cultural communities in order to safeguard their cultural identity and heritage.

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


NANCY A. CATAMCO
Representative
2nd District, North Cotabato

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AN ACT

MANDATING THE MOVIE AND TELEVISION INDUSTRY TO OBSERVE DUE DEFERENCE TO THE CULTURAL SENSITIVITIES AND INTELLECTUAL PROPERTY RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES / INDIGENOUS PEOPLES (ICCs/IPs), AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1986 CREATING THE MOVIE AND TELEVISION REVIEW AND CLASSIFICATION BOARD

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

SECTION 1. *Section 3 (c) of Presidential Decree No. 1986 Creating the Movie and Television Review and Classification Board is hereby amended to add the following provision:*

viii) Those which offend the cultural sensitivity of indigenous cultural communities/indigenous peoples (ICCs/IPs) such as, but not limited to, misrepresentation or distortion of their histories, literatures, arts, cultural practices, religious and spiritual beliefs and institutions, including terminologies considered sacred; inappropriate or misleading use of their symbols, marks, insignia or other indigenous images. A show proponent that will make use of any of the foregoing which are endemic to a particular IP community shall hold consultations with the latter to address the following:

- a) whether the indigenous material, terminology, belief or practice, among others stated above, to be utilized for the show is considered sacred by the concerned IP community and it will be

culturally insensitive to make use of, or make alterations to, the same;

- b) whether the show is educational, historical or documentary, in which case, the show proponent should take measures to avoid misrepresentation, distortion or inappropriate use. If the show will be made solely for entertainment purposes, certain leeway may be accorded to the show proponent in his/her usage thereof: Provided, That a disclaimer to the effect that the show is a work of fiction and that certain liberties have been taken shall be exhibited at the beginning of the show; and
- c) whether the material to be utilized is protected by the laws on copyright, in which case intellectual property rights appurtenant thereto shall be duly observed.

In all cases of utilization of the histories, literatures, arts, cultural practices, religious and spiritual beliefs and institutions of the IPs, including terminologies considered sacred, their symbols, marks, insignia or other indigenous images by the show proponent, whether or not the same is covered by the laws on copyright, the Free and Prior Informed Consent (FPIC), as defined under Republic Act No. 8371 (IPRA), of the IP community concerned should always be first had. Accordingly, a Memorandum of Agreement shall be entered into by the show proponent and the concerned IPs wherein the latter may negotiate for terms beneficial to them.

SECTION 2. – All laws, decrees, letters of instructions, resolutions, orders, ordinances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 3. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,