

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
18TH CONGRESS
First Regular Session



HOUSE BILL NO. 21

Introduced by **REP. EVELINA G. ESCUDERO**

EXPLANATORY NOTE

Manning and Baruth (2009, p.24) defines culture as “people’s values, languages, religions, ideals, artistic expressions, patterns of social and interpersonal relationships and ways of perceiving, behaving and thinking.”¹

Cultural identity has been identified as an important contributor to people's wellbeing. It gives people access to social networks which share the same values and aspirations. This provides people support and give them a sense of security. Thus, it helps break down barriers and builds trust among people - a phenomenon also referred to as social capital.²

The importance of building the country’s social capital finds resonance in Section 17, Article II of the Constitution which provides that, the State shall, among others, give priority to arts and culture “to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.”

¹ As quoted in “The Importance of Positive Cultural Identity Essay.”

<https://www.bartleby.com/essay/The-Importance-of-Positive-Cultural-Identity-F34DPFZTJ>

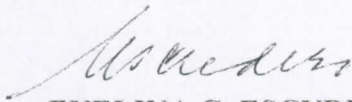
² Durie (1997), National Health Committee (1998a) p33, as quoted in “Cultural Identity,” <http://www.socialreport.msd.govt.nz/2003/cultural-identity/cultural-identity.shtml>

It is along this fundamental policy that this bill is being proposed, seeking to establish and create a Department of Culture which will be mandated to develop, manage and implement the policy and strategic directions of our country's culture.

It is humbly submitted that with the creation of a Department, the various cultural offices and agencies of government will converge and unify to achieve and promote effectiveness and rationalization of organizational structures and functions. Ultimately, the State will be better afforded with a stronger resolve and equipped with better resources to promote and advance cultural education as a right and advance in the process cultural literacy among Filipinos.

Moreover, this proposal is also mindful of the need to promote our national language while recognizing linguistic diversity in all regions, and to improve the lives and welfare of Filipino artists, and cultural advocates and workers.

Consequently, the immediate consideration and passage of this bill is sought.


EVELINA G. ESCUDERO

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House Bill No. **21**

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**AN ACT ESTABLISHING THE DEPARTMENT OF CULTURE, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

SECTION 1. **Short Title.** This Act shall be known as the "Department of Culture Act
of 2019."

ARTICLE I
DECLARATION OF POLICY

SEC. 2. **Declaration of Policy.** It is hereby declared the policy of the State:

- a. To recognize that culture is a unifying, humanizing and modernizing agent/instrument of any society, and the patrimony and right of every citizen of the Philippines;
- b. To recognize the vital role of culture in nation-building;
- c. To incorporate considerations of culture in the formulation of appropriate and significant political and economic policy that will better serve Filipinos and ensure that all Filipinos enjoy full cultural rights, take full advantage of a dynamic cultural experience, and be inspired, sustained by, draw from, contribute to and celebrate the country's culture;
- d. To create a national body which will develop, manage and be responsible for the implementation of policy, legislation and strategic direction for the protection, regulation, preservation, development, management, dissemination and promotion of the country's culture, relative to the immense national resources, patrimony and wealth engendered and amassed through countless generations and centuries of distinctive Filipino ways of life and experiences in specific natural and social environments that this represents, and to

facilitate the convergence of various agencies with cultural mandates and rationalize their organizations and functions;

e. To foster, strengthen, and accelerate the convergence of various cultural offices agencies, and rationalize their organizations and functions;

f. To recognize that cultural education is the right of every citizen and therefore ensure that cultural literacy is inculcated in the development and education of all Filipinos;

g. To promote the national language of the country while enhancing the linguistic diversity of the Philippines; and,

h. To secure and improve the welfare of Filipino artists and cultural workers.

The Department shall continually review the state and needs of culture and arts in the context of the country's developmental goals.

SEC. 3. **Definition of Terms.** For purposes of this Act, the following terms shall be defined as follow:

a. "**Art**" shall refer to the expression or application of human creative skill and imagination.

b. "**Conservation**" shall refer to all process and measures of maintaining the cultural significance of a cultural property, including but not limited to, preservation, restoration, reconstruction, protection, adaptive re-use or any combination thereof.

c. "**Cultural agencies**" shall refer to any of the following national government agencies with their specific areas of responsibility: National Museum of the Philippines (cultural property), the National Library of the Philippines (books), National Historical Commission of the Philippines (Philippine history), the National Archives of the Philippines (documents) the Cultural Center of the Philippines (culture and arts) and Komisyon sa Wikang Filipino (language).

d. "**Cultural Education**" shall refer to the teaching and learning of cultural concepts and processes.

e. "**Cultural Heritage**" shall refer to the totality of cultural property preserved and developed through time and passed on to posterity.

f. "**Cultural Property**" shall refer to all products of human creativity by which people and nation reveal their identity, including architecture and sites or human activity (churches, mosques and other places of religious worship, schools) and natural history specimens and sites, whether public or privately owned, movable or immovable, and tangible or intangible.

g. **"Culture"** shall refer to the broad spectrum of people's beliefs, practices, customs and traditions, material culture, arts, and other forms of actual and symbolic expressions and representations which are handed down from one generation to the next in the process of interaction.

h. **"History"** shall refer to a written record of past events relating to Philippine history.

i. **"Indigenous Cultural Communities/ Indigenous Peoples"** shall refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;

j. **"Intangible Cultural Heritage"** shall refer to practices, representations, expressions, knowledge, skills, as well as instrument, objects and artifacts associated therewith, that communities, groups and individual recognize as part of their cultural heritage, such as: (1) oral traditions, usages, customs, languages and other expressions; (2) performing arts; (3) social practices, religious rites, rituals, culinary traditions, and festive events; (4) knowledge and practices concerning nature and the universe, worship and (5) traditional craftsmanship.

ARTICLE II THE DEPARTMENT OF CULTURE

SEC. 4. ***Creation of the Department of Culture.*** There is hereby created the Department of Culture (*Kagawaran ng Kultura*), hereinafter referred to as the Department, which shall be the primary policy-formulating, planning, coordinating, implementing, and administrative entity of the executive branch of the National Government that will implement the pertinent provisions of the Constitution regarding culture and arts as well as the aforementioned policy of the State.

The Department with its attached agencies shall be responsible for the protection, preservation, regulation, development, management, dissemination and promotion of the cultural, historical and artistic heritage and resources, tangible and intangible, of the Philippines and the Filipino people, all of which, with their physical and social contexts and environments, are understood as together constituting and pertaining to Philippine culture for purposes of this Act.

The Department shall continually review the state and needs of culture and arts in the context of the country's developmental goals.

SEC. 5. **Powers and Functions.** The Department shall exercise the following powers and functions:

- a. Formulate and implement national policies, plans, programs, and guidelines for the protection, preservation, regulation, development, management, dissemination and promotion of culture, to ensure overall consistency, effectiveness, efficiency, and conformity with the policies of the State articulated in the Constitution as well as in this Act and other pertinent laws and issuances;
- b. Assume and exercise all existing regulatory and quasi-judicial functions established under Republic Act No. 4846, or "*The Cultural Properties Preservation and Protection Act*;" Presidential Decree No. 374, or "*Amending the Cultural Properties Preservation and Protection Act*;" Presidential Decree No. 1616, or "*Creation of the Intramuros Administration*;" Presidential Decree No. 1748, or "*An Act Amending the Charter of the Intramuros Administration*;" Republic Act No. 8491, or "*The Flag and Heraldic Code of the Philippines*;" Republic Act No. 9105, or "*Art and Forgery Act of 2001*;" Republic Act No. 10066, or "*The National Cultural Heritage Act of 2009*;" and, Republic Act No. 10086 or "*Strengthening Peoples' Nationalism Through Philippine History Act*;" as well as such functions promulgated through executive issuances that pertain to the agencies of the National Government covered under this Act, which are all hereby transferred *in toto* to the Department from the said agencies;
- c. Be responsible for disaster risk reduction and management relative to culture and cultural property, both through its own programs and projects as well as through the National Disaster Risk Reduction and Management Council and Regional Disaster Risk Reduction and Management Councils, on which it shall have full membership, representation and participation;
- d. Recommend to the President of the Philippines the designation, through Presidential Proclamation, with appropriate published guidelines pertaining thereto, of a cultural property, whether immovable or movable, tangible or intangible, as a National Cultural Monument, a category hereby established which incorporates the previously-established legal definitions of, criteria pertaining to, and all cultural property previously declared by authorized agencies as National Cultural Treasure, National Historical Landmark, National Historical Shrine, National Historical Monument, and National Historical Site;
- e. Designate, through Department Order, and with appropriate published guidelines pertaining thereto, cultural property, whether immovable or movable, tangible or intangible, as National Cultural Property, a category hereby established which incorporates the previously-established legal definitions of, criteria pertaining to, and all cultural property previously declared by authorized agencies as Important Cultural Property and Heritage House;

f. Administer the qualification and selection, with appropriate published guidelines pertaining thereto, of the Award for National Living Treasures (*Gawad ng Manlilikha ng Bayan*), which is hereby renamed as the Order of National Living Treasures (*Orden ng mga Pambansang Manlilikha ng Bayan*), and the Order of National Artists (*Orden ng mga Pambansang Alagad ng Sining*), and recommend those nominees to either Order who have been qualified and selected to the President of the Philippines for proclamation as such and conferral of the same;

g. Undertake, through a National Institute of Culture and Arts Management and the Institutes of Living Traditions to be established for the purpose, in an appropriate partnership with the academic sector, the education, training and certification of cultural officers and personnel as a necessary qualification for employment and promotion in the National Government and in local governments where such might be required by the Department in coordination with the Civil Service Commission and the Career Executive Service Board, at the career sub-professional, career professional, and career executive levels, to include appropriate courses and programs towards certificates, diplomas, and undergraduate and graduate degrees;

h. Administer the qualification, selection and conferral of such other awards as it may establish in support of its mandate;

i. Support the development of the cultural, artistic and creative industries of the country, in all particulars and at all levels;

j. Administer the endowment funds established separately under Section 20 of Republic Act No. 7356, *The Law Creating the National Commission for culture and the Arts*, and Section 50 of Republic Act No. 10066, which are herein consolidated into a single National Endowment Fund for Culture and Arts (NEFCA) that shall continue to be sourced and augmented as provided by the aforementioned provisions, and provide financial support from this fund for various national programs through a system of grants drawing from the proceeds, including both principal and interest, of the same, subject to the approval of the Department of Budget and Management.

k. Represent the Philippines in matters pertaining to culture in overseas regional and international organizations and events.

j. Other powers and functions as may be created, assigned or transferred by the President of the Philippines in accordance with law.

SEC. 6. **Composition.** The Department proper shall include the Office of the Secretary and the staff units directly under it, including the Services established herein. The Office of the Secretary shall consist of the Secretary, at least three (3) Undersecretaries, and at least five (5) Assistant Secretaries, together with the personnel in their immediate offices.

SEC. 7. *Secretary of Culture.* The authority and responsibility for the exercise of the mandate of the Department and for the discharge of its powers and functions shall be vested in the Secretary, who shall have supervision and control of the Department and shall be appointed by the President of the Philippines, subject to the confirmation by the Commission on Appointments.

SEC. 8. *Powers and Functions of the Secretary.* - The Secretary shall have the following powers and functions:

- a. Provide executive direction and supervision over the entire operations of the Department and exercise administrative supervision over its attached agencies;
- b. Establish policies and standards for the effective, efficient and economical operation of the Department, in accordance with the programs of government;
- c. Promulgate rules and regulations necessary to carry out department mandates, objectives, policies, functions, plans, programs and projects;
- d. Promulgate administrative issuances necessary for the efficient administration of the offices under the Secretary and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- e. Rationalize delivery systems necessary for the effective attainment of the objectives of the Department, in accordance with the programs of Government;
- f. Appoint all officers and employees of the Department except those whose appointments are vested in the President or in some other appointing authority and shall appoint employees to positions in the second level in the regional offices as defined in this Act and in accordance with the Civil Service laws, rules and regulations;
- g. Exercise disciplinary powers over officers and employees under the Secretary in accordance with law, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Sit on the governing boards of attached agencies as provided in this Act, as well as any other agencies or organizations as may be appropriate or designated;
- i. Coordinate with local governments, other agencies and public and private interests groups, including non-government organizations (NGOs) and people's organizations (POS) on Department policies and initiatives;
- j. Advise the President of the Philippines and make recommendations on the promulgation of executive and administrative orders and regulatory and legislative proposals on matters pertaining to culture;
- k. Formulate and enforce a system of measuring and evaluating periodically and

objectively the performance of the Department and submit the same annually to the President;

l. Prepare and submit to the President through the Department of Budget and Management an estimate of the necessary expenditures of the department during the next fiscal year, on the basis of the reports and estimates submitted by bureaus and officers under the Department;

m. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Department as are provided by law; and,

n. Performs such other functions as may be provided by law or assigned by the President of the Republic of the Philippines.

SEC. 9. *Undersecretaries.* The Secretary shall be assisted by three (3) Undersecretaries, who shall be appointed by the President of the Philippines upon the recommendation of the Secretary, at least two (2) of whom shall be career officers. In general, the undersecretaries shall:

a. Advise and assist the Secretary in the formulation and implementation of department objectives and policies;

b. Oversee all the operational activities of the bureau or units for which he shall be responsible as assigned by the Secretary;

c. Coordinate the programs and projects of the same and be responsible for its economical, efficient and effective administration;

d. Whenever necessary be designated to serve as deputy to the Secretary in all matters relating to the operations of the department; the designated Undersecretary will temporarily discharge the duties of the Secretary in the latter's absence or inability to discharge his or her duties for any cause or in case of vacancy of the said office, unless otherwise provided by law, the President of the Philippines shall likewise make the temporary designation of Acting Secretary to the same; and

e. Perform such other functions and duties as may be provided by law.

SEC. 10. *Assistant Secretaries.* The Secretary shall be assisted by at least five (5) Assistant Secretaries, who shall be appointed by the President of the Philippines upon the recommendation of the Secretary, at least three (3) of whom shall be career officers. The Assistant Secretaries shall be in charge of specific areas of responsibility as may be established by the Secretary.

SEC. 11. *Qualifications.* No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department unless he or she is a citizen and resident of the Philippines, of good moral character, and of proven integrity, and with at least seven (7) years of competence/ expertise/ experience as manager, advocate, scholar or practitioner in fields of endeavor related to Philippine culture and the mandate and functions of the Department.

e. ***Bureau of Cultural Research, Education and Dissemination*** – shall undertake cultural research for policy and program development, publish cultural materials, especially on positive Filipino values for dissemination, manage the cultural education program for the country, ensure the development and promotion of Philippine languages, implement national translation program, and implement national promotion program in various forms of media.

f. ***Bureau of Cultural and Creative Industries*** – shall formulate plans and programs to ignite the innovative and entrepreneurial mindset of Filipino artists and establish industries in the various genre of arts; performing arts, cinema, books and publications, creative designs, culinary and lifestyle and architecture and allied arts, and others.

Each Bureau shall be headed by a Bureau Director, who shall be assisted by one (1) Assistant Bureau Director. The Bureau Director and Assistant Bureau Director shall be appointed by the President upon the recommendation of the Secretary.

SEC. 14. ***Powers and Duties of Bureau Director.*** The Bureau Director shall be its chief executive officer. He shall exercise overall authority in matters within the jurisdiction of the bureau, including those relating to its operations, and enforce all laws and regulations pertaining to it. Shall appoint personnel to all positions in his bureau or office, in accordance with law. In the case of the line bureau or office, the head shall also appoint the second level personnel of the regional offices, unless such power has been delegated. He shall have the authority to discipline employees in accordance with the Civil Service Law.

ARTICLE V THE REGIONAL AND FIELD OFFICES

SEC. 15. ***Regional Offices of the Department.*** The Department is hereby authorized to establish, operate and maintain a Regional Office, whenever appropriate, in each of the administrative regions of the country. Each regional office shall be headed by a Regional Director, who may be assisted by one (1) Assistant Regional Director. The Regional Director and Assistant Regional Director shall be appointed by the President upon the recommendation of the Secretary. Provided, that they shall be persons recognized as an accomplished manager, advocate, scholar or practitioner in fields of endeavor related to Philippine culture in the region, or any suitably qualified person in accordance with Civil Service Commission (CSC) rules and regulations.

It may also establish satellite, extension or field offices when and wherever necessary, particularly in locations where significant cultural and heritage properties and concerns are identified to exist, and to support the operations, programs and projects of its attached and other concerned agencies and institutions. A regional office shall have, within its administrative region, the following functions:

a. Implement laws, policies, plans, programs, rules and regulations of the department or agency in the regional area;

- b. Provide economical, efficient and effective service to the people in the area;
- c. Undertake research and gather data on local culture and arts trends and other relevant cultural and artistic information;
- d. Cause to establish and oversee the regional and local culture and arts councils (as far as the city and municipal level) to engage participation of local artists and cultural workers;
- e. Coordinate with regional offices of other departments, bureaus and agencies in the area;
- f. Coordinate with local government units in the area;
- g. Make recommendations to the Secretary on all matters relating to culture and arts in the region; and,
- h. Perform such other functions as may be provided by law.

SEC. 16. *Duties of a Regional Director.* — The Regional Director shall perform duties and functions as may be provided by law or further delegated by the head of agency or other proper authorities concerned.

ARTICLE VI THE ATTACHED AGENCIES, INSTITUTES, ADVISORY COUNCIL, OVERSEAS OFFICES

SEC. 17. *The Attached Agencies.*

- a. The National Commission for Culture and the Arts (NCCA) is hereby abolished, and their powers and functions, applicable funds and appropriations, records, equipment, property, and personnel transferred to the Department.
- b. The following agencies are hereby attached to the Department for policy and program coordination, and shall continue to operate and function in accordance with the charters, laws or orders creating them, insofar as they are not inconsistent with this act.
 1. Cultural Center of the Philippines (CCP)
 2. National Museum of the Philippines (NMP)
 3. National Historical Commission of the Philippines (NHCP)
 4. National Library of the Philippines (NLP)
 5. National Archives of the Philippines (NAP)
 6. Komisyon sa Wikang Filipino (KWF)
 7. Intramuros Administration (IA)
 8. National Parks Development Committee (NPDC)
 9. Nayong Pilipino Foundation (NPF)
 10. Film Development Council of the Philippines (FDCP)

- 11. National Book Development Board (NBDB)
- 12. Design Center of the Philippines

c. The laws and rules on government reorganization as provided for in Republic Act No. 6566, otherwise known as the Reorganization Law, shall govern the organization process of the Department.

SEC. 18. **National Institutes.** The following National Institutes, with their respective networks throughout the country, shall be established under the Department:

a. The **National Institute of Living Traditions**, and through it, a network of individual Schools of Living Traditions to be established, which, with the support of appropriate - partnerships, shall be responsible for programs and projects related to the safeguarding, sustainability, propagation and intergenerational transmission of intangible cultural heritage, particularly that which pertains to indigenous cultural communities;

b. The **National Institute of Cultural Heritage Preservation**, and through it, a network of individual *Eskwela Talyer* (Workshop Schools) to be established, which, with the support of appropriate partnerships, shall be responsible for programs and projects related to national capacity building in the area of conservation arts, sciences and trades with respect to the preservation of immovable and movable cultural property and with a particular focus on vocational training for youth; and

c. The **National Institute of Culture and Arts Management**, and through it, a network of individual Culture and Arts Management Training Centers to be established, which, with the support of appropriate partnerships, shall be responsible for programs and projects related to the education, training and certification of cultural officers and personnel as a necessary qualification for employment and promotion in the National Government and in local governments where such might be required by the Department in coordination with the Civil Service Commission and the Career Executive Service Board, at the career sub-professional, career professional, and career executive levels, to include appropriate courses and programs towards certificates, diplomas, and undergraduate and graduate degrees;

SEC. 19. **National Academy of Culture and Arts.** There is hereby established under the Department a National Academy of Culture and Arts, which shall be an institutionalized association of the nation's foremost leaders and exponents of culture and arts, the primary purpose of which is to support the mandate of the Department as an independent body of eminent persons. The President of the Philippines shall be the Honorary Patron of the National Academy of Culture and Arts.

The structure and organization of the Academy, including the specification of its functions, procedures as to its governance and the selection of its members, and the composition of its secretariat, shall be contained in a charter to be formulated by the Department and promulgated by the President of the Philippines through an Executive Order within one (1) year of the effectivity of this Act.

SEC. 20. **Culture and Arts Advisory Councils.** The Department shall facilitate the creation of a National Culture and Arts Advisory Council, a Regional Culture and Arts Advisory Council, and, a Local Culture and Arts Advisory Council, to assist the Department in the implementation of culture and arts initiatives.

SEC. 21. **Sectoral and Industry Task Forces.** The Department may create a sectoral and industry task forces, technical working groups, advisory bodies or committees for the furtherance of its objectives. Additional private sector representatives, such as from the academe, CSOs, and federation of private industries directly involved in culture and the arts as well as representatives of other LGUs, and GOCCs may be appointed to these working groups.

SEC. 22. **Rizal Centers.** — The Department shall, through a dedicated organizational unit to be established for the purpose, establish and manage centers, to be known as Rizal Centers or *Sentro Rizal*, throughout the country and overseas, the primary purpose of which shall be the promotion of, and the facilitation of access by the constituency of each center to, Philippine culture generally as well as the cultural resources managed by the Department and its attached agencies in particular.

Domestically, the Department shall establish *Sentro Rizal* as regional cultural centers and hubs, to be supervised and operated appropriately through its regional offices. Such regional centers shall include exhibition and performance venues, and facilities enabling access to knowledge resources, particularly those pertaining to vernacular language resources.

Overseas, the Department shall establish *Sentro Rizal* as Philippine cultural centers in key places for the benefit of the global diaspora of Philippine citizens, the global community of Filipino migrants or descendants thereof, and all who are interested in Philippine culture. The Department for this purpose shall coordinate with the Department of Foreign Affairs, the Commission on Filipinos Overseas, and other concerned agencies.

Such *Sentro Rizal* as may be established overseas shall have a dedicated budget and staff under the Department and be considered as overseas offices thereof, shall function as repositories of Philippine cultural resources, shall carry out active programs and projects to engage their respective constituencies, and shall offer courses in the national language and any other Filipino languages as may appropriate.

The operations of the *Sentro Rizal* network of the Department, both domestically and overseas, shall be considered as one its permanent flagship programs, and shall therefore be specifically provided for in the General Appropriations Act for every fiscal year.

Article XII, including Sections 42 to 47, of Republic Act No. 10066 is hereby repealed.

SEC. 23. **Overseas Offices.** The Department shall establish overseas offices whenever necessary to:

- a. Implement plans, programs and projects of the Department relative to communities of Philippine citizens abroad;

- b. Promote Filipino culture to the international community:
- c. Coordinate with international organizations as well as with the overseas offices of other departments, offices and agencies of the Philippine government; and
- d. Perform such other functions as may be provided by law.

ARTICLE VII REORGANIZATION

SEC. 24. **Reorganization.** The laws and rules on government reorganization as provided for in Republic Act No. 6656, otherwise known as the Reorganization Law, shall govern the reorganization process of the Department and, where appropriate, its attached agencies.

SEC. 25. **Structure and Staffing Pattern.** Subject to the approval of the Department of Budget and Management (DBM), the Department and, where appropriate, its attached agencies, shall determine its organizational structure and create new divisions or units as it may deem necessary and shall appoint officers and employees of the Department and its attached agencies in accordance with the Civil Service Law, rules, and regulations.

SEC. 26. **Transition Period.** The transfer of functions, assets, funds, equipment, properties, transactions, and personnel of affected agencies, and the formulation of the internal organic structure, staffing pattern, operating system, and revised budget of the Department, shall be completed within six (6) months from the effectivity of this Act, during which time, the existing personnel shall continue to assume their posts in holdover capacities until new appointments are issued; *Provided*, that after the abolition of the agency, as specified in Section 17(a) of this Act, the Department, in coordination with the DBM, shall determine and create new positions, the funding requirement of which shall not exceed the equivalent cost of positions abolished.

SEC. 27. **Separation from Service.** Employees separated from the service as a result of this reorganization shall, within ninety (90) days therefrom, receive the separation and retirement benefits to which they may be entitled under Executive Order No. 366. *Provided* that such separation pay and retirement benefits shall have priority of payment out of the savings of the department or agency.

ARTICLE VIII PROPERTIES OF THE DEPARTMENT

SEC. 28. **Post Office Building and Liwasang Bonifacio.** The Post Office Building, currently the property of the Philippine Postal Corporation (PhilPost), and the area known as Liwasang Bonifacio (formerly Plaza Lawton), both in the City of Manila, are hereby appropriated for the exclusive use and central office premises of the Department of Culture and its attached agencies.

SEC. 29. **Other Properties.** Real and movable properties owned by those agencies abolished or absorbed into the Department under this Act, namely the National Commission for Culture and the Arts Building and the Metropolitan Theatre, shall be transferred to the Department.

ARTICLE IX APPROPRIATIONS AND FINAL PROVISIONS

SEC. 30. **Appropriations.** The amount needed for the initial implementation of this Act shall be taken from the current fiscal year's appropriation for the NCCA through the Office of the President, and other appropriations available for the purpose. Thereafter, the amount needed for the operation and maintenance of the Department proper shall be included in the General Appropriations Act, provided that for the next fiscal year, the amount shall be no less than Two Billion Pesos (PHP2,000,000,000.00).

SEC. 31. **Implementing Rules and Regulations.** - The Office of the President, in consultation with other government agencies mentioned in this Act, shall promulgate its implementing rules and regulations within ninety (90) days after the effectivity of this Act.

SEC. 32. **Repealing Clause.** All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof that are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 33. **Separability Clause.** If any provision of this Act shall be declared unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SEC. 34. **Effectivity Clause.** This Act shall take effect fifteen (15) days from publication in at least two (2) papers of general circulation.

Approved.