



Republic of the Philippines
House of Representatives
Quezon City

NINETEENTH CONGRESS
Third Regular Session

House Bill No. 11334



INTRODUCED BY REPRESENTATIVE MARLYN B. ALONTE

AN ACT TO FURTHER STRENGTHEN THE GOVERNMENT SYSTEM OF RECORDS MANAGEMENT AND ARCHIVES ADMINISTRATION, ESTABLISHING FOR THE PURPOSE THE NATIONAL ARCHIVES AND RECORDS MANAGEMENT AUTHORITY, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The passage of Republic Act No. 11961, also known as the Cultural Mapping Law, has underscored the importance of managing and preserving the Philippines' cultural and historical wealth. In an era characterized by rapid modernization and digital transformation, it has become even more critical to safeguard the diverse forms of the nation's archival cultural heritage. This includes both tangible artifacts and intangible cultural expressions, which collectively form the foundation of the Filipino identity.

To address these challenges, this bill seeks to further strengthen the country's system of archival and records management by establishing the National Archives and Records Management Authority (NARMA). This independent agency will be administratively attached to the National Commission for Culture and the Arts (NCCA) to ensure the seamless integration of archival efforts with cultural heritage preservation initiatives. The bill proposes amendments to Republic Act No. 9470, also known as the *National Archives of the Philippines Act of 2007*, to replace the National Archives of the Philippines (NAP) with NARMA. This reorganization will enable a more focused and specialized approach to preserving records that are crucial to the nation's historical and cultural identity.

As part of adapting to the demands of the digital age, this bill emphasizes the importance of incorporating electronic records into the national archives management framework. It advocates for policies and guidelines to ensure that digital archives are properly managed, preserved, and made accessible. With the shift toward digital media in government and cultural documentation, it is vital that both physical and digital

records are treated with equal importance, ensuring comprehensive preservation for future generations.

In addition to the digital shift, the bill proposes the creation of an archival conservation laboratory to enhance the preservation and restoration of historical documents. This facility will serve as a hub for research and practical application of modern archival techniques. The bill also calls for the establishment of regional offices that will operate regional records centers and archives across the Philippines. These regional offices will improve access to preserved materials for local communities, historians, and researchers, enhancing the country's ability to preserve and share its cultural and historical records.

To ensure that NARMA personnel are capable of fulfilling these expanded responsibilities, the bill mandates their participation in learning and development programs, both domestically and internationally. These programs will be conducted during official time to keep NARMA staff abreast of international best practices in records management, archival conservation, and the latest technological advancements in the field.

Moreover, the bill establishes a NARMA Trust Fund, which will be exclusively used to support the operations, programs, and activities of the Authority. This trust fund will ensure the financial sustainability of NARMA and guarantee that it has the necessary resources to fulfill its mandate for generations to come.

By enhancing the system for managing public archival records, this bill will not only preserve the rich cultural heritage of the Philippines but will also ensure that future generations of Filipinos will have access to these records, thereby strengthening their connection to the nation's shared history and identity.

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



REP. MARLYN B. ALONTE

Lone District of Biñan, Laguna



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

SECTION 1. Republic Act No. 9470, otherwise known as the "National Archives of
the Philippines Act of 2007," is hereby amended to read as follows:

"ARTICLE I

GENERAL PROVISIONS

SEC 1. *Short Title.* — This Act shall be known as the "National Archives
and Records Management Authority Act of 2024".

SEC 2. *Declaration of Policy.* — x x x

SEC 3. *Objectives.* – This Act shall be construed and implemented to meet the
following objectives:

- a) Strengthening the existing system of management and administration of
public records and archives, including electronic records;
- b) Mandating accountability in ensuring that full and accurate records of all
government policy and action are created, maintained, and preserved;

- c) Ensuring the systematic and timely disposal of valueless records;
- d) Enhancing public confidence in the integrity of public record-keeping and management;
- e) Ensuring the accessibility of public records relevant to the promotion and preservation of Philippine cultural heritage and the people's right to information;
- f) Protecting, preserving, conserving, and promoting the nation's documentary heritage, both in the public and private sectors;
- g) Supporting the safekeeping of private archives; and
- h) Strengthening the role of the NARMA in developing and supporting government record-keeping and archival management;

SEC 4. *Scope.* — This Act shall cover all records, as defined in this Act, held in both government offices or private collections, as well as archival and records management programs and activities in all branches of government, including local government units and regional governments, constitutional offices, and other government instrumentalities.

SEC 5. *Definition of Terms.* — For purposes of this Act, the following definitions shall hereby apply:

- a) **"Agency head"** refers to the person responsible for the performance of a government office and/or the person responsible for the performance of an LGU, such as the chief executive elected under the Local Government Code of 1991.
- b) **"Agency Records Center"** refers to the storage of non-current records to be managed and operated by each government office concerned or by a private entity contracted by a government agency, as approved by the NARMA.
- c) **"Approved repository"** refers to a repository to be established by the Director General, which is provided under this Act.
- d) **"Appraisal"** is the systematic study of records to determine whether they possess archival value necessitating preservation;

e) **“Archives”** shall refer to:

1) x x x

2) x x x

3) x x x

f) **“Archival materials”** shall refer to records, papers, periodicals, books or other items, articles or materials, whether in the form of electronic, audio-visual or print or other forms, which by their nature and characteristics have archival value;

g) **“Archival value”** refers to the ongoing usefulness or significance of records, based on the administrative, legal, fiscal, evidential, or historical information they contain, justifying their continued preservation;

h) **“Audio-visual materials”** shall refer to non-textual materials such as films, audio-visual negatives, prints, sound or video recordings, or digital files, including, but not limited to, moving films, documentaries, and animation.

i) **“Controlling government agency”** shall refer to:

1) x x x

2) x x x

3) x x x

j) **“Controlling local government”** shall refer to:

1) x x x

2) x x x

k) **“Director General”** refers to the head of the National Archives and Records Management Authority.

l) **“Disposal”** is the act of discarding or destruction of valueless records in accordance with the provisions of this Act.

m) **“Disposition”** refers to the systematic movement of records in the office storage whereby those classified as valuable records are permanently preserved and those which are classified as valueless are disposed of.

- n) **“Electronic records”** refer to information recorded in machine-readable form, including records created, captured, generated, sent, received, and stored in electronic records systems.
- o) **“Estray record”** refers to a public record that is no longer under the custody and control of the NARMA or a controlling government office.
- p) **“Filipino masters”** shall refer to preeminent or historically noteworthy Filipino artists of Philippine art historical styles, who may or may not legally qualify or be otherwise proclaimed as National Artist, particularly those who died before 1972.
- q) **“Government office”** refers to any public office in all branches, subdivisions, instrumentalities, agencies and entities of the government, including, but not limited to, national government agencies, constitutional offices, local government units (LGUs), government-owned and controlled corporations (GOCCs), state and local universities and colleges, courts, legislative and judicial offices, local water instrumentalities, Philippine embassies, consulates, and other Philippine offices abroad, and other instrumentalities of government.
- r) **“Important cultural property”** shall refer to a cultural property that has exceptional cultural, artistic, and historical significance to the Philippines, and has been officially declared as such by law or the pertinent cultural agency or agencies.
- s) **“Judicial records”** refer to x x x.
- t) **“Legislative records”** refer to x x x.
- u) **“Local government archives”** refer to x x x.
- v) **“Local government records”** refer to x x x.
- w) **“Metadata”** refers to the context of electronic documents, which provide information about the location of the document, its author, and the date it was created, among others.

- x) **“National Cultural Treasure”** refers to a unique cultural property found—locally possessing outstanding historical, cultural, artistic, and/or scientific value, is highly significant and important to the country and nation and has been officially declared as such by law or the pertinent cultural agency or agencies.
- y) **“National heroes”** shall refer to deceased personalities whose deeds inspired the Filipinos to have a concept of a nation and to contribute to the defense, interest, betterment, and quality of life of their fellow countrymen, society, and homeland. They were and continuously being honored by the people nationally through commemorations, monuments or shrines, coins, and stamps, among others.
- z) **“Non-current records”** refer to files that deal with completed or adjourned business not needed for action or reference in continuing agency transactions but which may be preserved and occasionally used for legal, historical or operational purposes;
- aa) **“Open access records”** refer to public records, whether in the custody and control of the controlling government agency or the NARMA, which have been in existence for at least thirty (30) years, and to which public access have not been otherwise prohibited by the controlling government office or the NARMA, as the case may be.
- bb) **“President”** refers to the President of the Philippines.
- cc) **“President’s papers”** refer to records and other documentary materials created or received by the President, the President’s immediate staff, or a unit or individual of the Office of the President whose function is to advise or assist the President, while holding office as President of the Philippines.
- dd) **“Private archives”** refer to records with archival value belonging to private individuals and/or entities.
- ee) **“Protected record”** refers to x x x.

ff) **“Public access registry”** refers to a register available to the public that contains information regarding access to public records, including any restrictions or unauthorized disclosures.

gg) **“Public Archives”** shall refer to:

- 1) Public records that are determined to have archival value; and
- 2) Private archives that are acquired by NARMA under the provisions of this Act, as well as any private archives acquired by any government office.

hh) **“Public records”** x x x.

ii) **“Records”** shall refer to recorded information in whatever format produced or received in the initiation, conduct or completion of an institutional or individual activity and that comprises content, context, and structure sufficient to provide evidence of the activity.

jj) **“Records center”** refers to an intermediate repository in which noncurrent records of various government offices are stored until they can be destroyed or transferred to the NARMA.

kk) **“Records management”** refers to x x x

ll) **“Records Office”** refers to an organizational unit responsible for planning, developing, prescribing, disseminating and enforcing policies, rules and regulations, and coordinating the agency-wide records management program.

mm) **“Repository”** refers to a facility determined by a government office for the appropriate maintenance and storage of public records.

nn) **“Restricted access records”** refers to records which access have been restricted because there exists a legal impediment and/or standard or advice issued by the Director General that requires such public records to be withheld from public access.

oo) **“Standards”** refers to the circulars and orders issued by the Director General pursuant to the provisions of this Act.

pp) **“Vital records”** refers to x x x.

qq) **“Vice President’s Papers”** refer to records and other documentary materials created or received by the Vice President, the Vice President’s immediate staff, or a unit or individual of the Office of the Vice President whose function is to advise or assist the Vice President, while holding office as Vice President of the Philippines.

ARTICLE II

PURPOSE, OTHER PRELIMINARY PROVISIONS, AND KEY ADMINISTRATIVE PROVISIONS

SEC 6. *Renaming of the National Archives of the Philippines to National Archives and Records Management Authority.* — The National Archives of the Philippines is hereby renamed as the “National Archives and Records Management Authority” (NARMA) which shall be attached as an independent agency to the National Commission for Culture and the Arts (NCCA) exclusively for program coordination.

SEC 7. *Establishment, Mandate and Functions.* —

- a) The National Archives and Records Management Authority shall be the sole authority in government records management and archives administration. It is the mandate of the NARMA to implement the objectives and provisions of this Act. It shall plan, develop, prescribe, disseminate and enforce policies, rules and regulations and coordinate government-wide programs governing the creation, general protection, use, storage and disposition of public records, including the acquisition, storage and preservation of public archives and providing facilities for reference, research, or other purposes. The NARMA shall also be the primarily government agency responsible for the protection, conservation, and designation, and regulation of public and private archives, including archival cultural properties.

b) The National Archives and Records Management Authority shall have the following functions:

- 1) Take necessary measures to classify, identify, preserve, and restore public records;
- 2) Acquire or facilitate the acquisition of permanent and suitable buildings for the NARMA to house the country's archival holdings and public records;
- 3) Conduct archival researches using archival materials here and abroad;
- 4) Plan, formulate and implement a records management and archival administration program for the efficient creation, utilization, maintenance, retention, preservation, conservation and disposal of public records including the adoption of security measures and vital records protection program in the interest of disaster preparedness and business continuity in government;
- 5) Provide technical assistance to all government offices, as well as the private sector, with respect to the storage of records, and in the planning, implementation and evaluation of their records management and archives administration programs;
- 6) Conduct and accredit training programs on records and archives management, including the establishment of an archival system of both public and private sectors;
- 7) Oversee public and private archives in terms of its cultural heritage preservation, conservation, protection, and regulation;
- 8) Acquire public records, private archives, and all other records that the Director General deem to have archival value through sale, donation, expropriation, or other forms of conveyance or transfer;
- 9) Impose administrative fines and sanctions for violation of its rules and orders issued pursuant to this Act, and for obstruction or

refusal to comply with its lawful directives in the implementation of this Act;

- 10) Ensure the preservation and conservation of existing and future archival resources of the government;
- 11) Issue, transmit and/or reproduce copies, certified true copies or certifications on public archives and/or extracts thereof, subject to the provisions on access in this Act and other existing laws;
- 12) Maintain a registry of all public records under the custody and control of the NARMA which shall be made available for public inspection;
- 13) Obtain custody and management of all the public archives not already in the custody and management of the NARMA;
- 14) Accept, store, preserve and conserve any public archive transferred to the NARMA;
- 15) Establish, maintain, operate regional archives and records centers with complementary archives preservation facilities, and all other related facilities;
- 16) Prepare, publish, sell, or otherwise distribute material concerning any public archives or any part of the archives or the activities, facilities, and services provided by the NARMA, subject to the terms and conditions on which they are obtained and subject to copyright laws.

SEC 8. *Management of the NARMA.* — The NARMA shall be headed by a Director General, who shall serve as the Head of Agency of NARMA. The Director General shall be assisted by three (3) Deputy Directors-General.

The Regional Offices shall be managed and supervised by the Director General and Deputy Directors General, with the assistance of at least one (1) Director per administrative region, each of whom shall have the appropriate managerial rank.

Each Regional Director may be assisted by an Assistant Director, each of whom shall have an appropriate managerial rank. Both the Regional Director and Assistant Regional Director shall be appointed by the Director General based on merit and performance.

SEC 9. *The Director General.* — The Director General shall be the National Archivist of the Republic of the Philippines, with the rank and emoluments of a Department Undersecretary. The Director General shall be appointed by the President.

No person shall be appointed or designated as Director General of the NARMA unless he/she possesses the following minimum qualifications:

- a) a Filipino citizen;
- b) a holder of a master's degree in archival studies, arts, history, humanities, social studies, political science, sociology, public administration, library science, information management or a related field of study;
- c) ten (10) years of experience, preferably in records management and archives administration; and
- d) not previously found guilty of a criminal or administrative offense.

The Director General shall have a fixed term of seven (7) years. In case of vacancy in the position of the Director General during the seven-year-term, the subsequent appointee shall serve the unexpired term of the predecessor and may later be reappointed to a fresh seven-year-term.

SEC 10. *The Deputy Directors General.* — The Deputy Directors General shall have the ranks and emoluments of an Assistant Secretary. One of the Deputy Director General will be appointed by, and shall be co-terminus with, the Director General; while the other two (2) Deputy Directors General shall be career officials who shall be appointed by the President.

No person shall be appointed or designated as Deputy Director General of the NARMA unless he/she possesses the following minimum qualifications:

- a) a Filipino citizen;
- b) a holder of a master's degree in archival studies, arts, history, humanities, social studies, political science, sociology, public administration, library science, information management or a related field of study;
- c) five (5) years of experience in records management and archives administration; and
- d) Career Executive Service Eligibility (for the Deputy Directors General who are appointed by the President); and
- e) not previously found guilty of a criminal or administrative offense.

SEC 11. *Functions and Powers of the Director General.* — The Director General shall have the following functions and powers:

- a) Establish policies, standards and guidelines related to public records management and archives administration programs;
- b) Examine, identify and determine records of government agencies and classify and preserve those which are of permanent or enduring historical value;
- c) Advise on the creation, maintenance, storage, use and disposition of public records;
- d) Direct and determine the necessary standards for the disposition of public records;
- e) Take suitable measures in preserving and conserving archival materials which are under the custody of the NARMA, government offices, and private archives;
- f) Acquire through transfer, donation, purchase, expropriation, or any other means public records and private archives which in his or her judgment have archival value;
- g) Determine and establish measures on access and use of public archives;
- h) Provide maintenance and security for public records in the custody and control of the NARMA;

- i) Report to the President any loss of public records in the custody and control of the NARMA;
- j) Enter into agreements with any archival or historical institutions, local and abroad, to acquire or copy original documents or archival materials to enhance the archival and historical holdings of the Philippines;
- k) Establish and implement government-wide programs on public records and archives disaster-preparedness and business continuity;
- l) Establish linkages with local and foreign organizations engaged in records management and archives administration;
- m) Issue rules and regulations for all or any of the following purposes:
 - 1) Regulating the transfer of public records from any government office to the NARMA or to an approved repository;
 - 2) Regulating the manner of destruction or other disposal of public records;
 - 3) Regulating the admission of the public to the NARMA and the use by the public of public archives deposited in the NARMA;
 - 4) Providing for the custody and preservation of Presidents' papers and any other private records deposited in the NARMA, and prescribing the fees to be charged for custody and preservation thereof;
 - 5) Prescribing forms for the proper and effective implementation of this Act; and
 - 6) Such other matters deemed by the Director General as necessary or relevant.
- n) Appoint one (1) out of the three (3) Deputy Director Generals, pursuant to Sec. 10 of this Act;
- o) Appoint as a consultant any person who possesses the ability and expertise to carry out archival research, documentation work, or any activities deemed necessary by the Director General;

- p) Perform such other functions as may be necessary for the proper and effective management of the NARMA and to fully implement this Act.

SEC 12. *Power of Review.* —

- a) The Director General shall, from time to time, review or cause the review of any classified records which are in the custody and under the control of the NARMA.
- b) For the purpose of subsection (a) and subject to subsection (c), the Director General shall have the power to inspect the contents of any classified records and declassify those classified records which are in the custody and under the control of the NARMA.
- c) The review and reclassification or declassification of any classified records shall be carried out in accordance with existing laws, issuances and regulations on classified documents.

SEC 13. *Power to Delegate.* —

- a) The Director General may, by an instrument in writing, delegate and/or appoint an acting Director General designated as officer-in-charge whenever he/she shall be unable to perform the duties of his/her office due to illness, absence or other cause, and in such case the person so appointed may perform all the duties imposed on the Director General by law until such temporary designation is deemed revoked.

Such power to delegate shall be subject to the provision of Section 40, Chapter 8, Book IV of Executive Order No. 292.

- b) The Director General may also, in writing, delegate any of his/her functions under this Act, subject to conditions, limitations or restrictions as he/she thinks fit, to a person or class of persons who may perform those functions in the same manner and with the same effect as if those functions had been conferred on him or them under this Act, subject to the provision of Section 40, Chapter 8, Book IV of Executive Order No. 292.

- c) A person purporting to act pursuant to a delegation made under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegations.

SEC 14. *Right-Sizing*. — The Director General shall have the authority to reorganize the structure of the National Archives of the Philippines, including its staffing pattern, in order to carry out its functions pursuant to its expanded mandate as the NARMA, subject to the approval of the Department of Budget and Management and in accordance with the rules and guidelines of the Civil Service Commission.

SEC 15. *Special Institutes and Archives*. — The NARMA shall also house the following special institutes and archives:

- a) Archives and Records Management Training Institute;
- b) Pandemic and Disaster Response Archives;
- c) Oral Narratives Center;
- d) Grassroots Community Archives;
- e) Commemorative Archives;
- f) Presidential Archives; and
- g) Special Collection Archives.

Subject to the provisions of this Act, the Director General shall be authorized to create new institutes and archives within the NARMA.

SEC. 16. *Permanent Site*. – Without prejudice to future acquisitions by the NARMA, the Intendencia Building in Intramuros, Manila, as well as all other existing real properties of the National Archives of the Philippines are hereby designated for the use of the NARMA and shall serve as the permanent and exclusive sites of the National Archives. The ownership of the Intendencia building and its associated land shall be transferred to the NARMA.

The Director General shall have immediate custody and control of the National Archives and its contents and may design, construct, purchase, lease, maintain, operate, protect, conserve, restore, and improve buildings (including heritage buildings) and other facilities for use by the NARMA.

SEC. 17. *Establishment of an Archival Conservation Laboratory* – The NARMA shall establish an Archival Conservation Laboratory equipped with advanced paper conservation tools and equipment to ensure the continued preservation of its archival collection.

SEC. 18. *Establishment of Regional Offices*. – The NARMA shall establish, operate, and maintain regional offices to perform active and inactive records management and archives administration and preservation activities in each administrative region.

The regional offices shall operate regional records centers and regional archives, with complementary storage facilities and archives preservation facilities.

SEC. 19. *Personnel Training, Development, and Performance Incentives*. – The NARMA shall undertake learning and development programs to upgrade the capabilities of its personnel in the various functions of the NARMA. Personnel shall be allowed to train or study in the Philippines or abroad, on official time, subject to the needs of the service, upon approval of the Director General.

A system of monetary incentives shall be established by the NARMA to reward the superior performance and milestones of professional development on the part of management and administrative and technical personnel, subject to the approval of the Department of Budget and Management and, where applicable, of the Civil Service Commission.

SEC. 20. *Trust Fund*. – The NARMA shall establish a Trust Fund which shall be sourced from fees, fines, and other income generated from its operations incidental to its functions. The NARMA Trust Fund shall be used exclusively for NARMA programs, activities, acquisitions, infrastructure, improvement, travels, and trainings abroad, and analogous expenses. The utilization of the Trust Fund shall be subject to usual government accounting and auditing rules.

SEC. 21. *Retention of Income and Disposition of Donated Funds*. – Income that accrues to the NARMA from all sources of its operations shall be

placed in the NARMA Trust Fund and may accumulate for disbursement in future fiscal years, if not used within the fiscal year in which such income was generated.

Donations of money to the NARMA shall also be placed in the NARMA Trust Fund, to be disbursed according to the terms and purposes of the respective deeds of donation, or disbursed for any purpose for the benefit of the NARMA, as may be determined by the Director General, if no specific purposes are stipulated in the deeds of donation.

The handling and accounting of such donations shall be subject to rules and regulations to be prescribed by the NARMA in agreement with the Commission on Audit (COA) within six (6) months after the effectivity of this Act.

SEC. 22. *National Archives Endowment Fund.* – There is hereby created a National Archives Endowment Fund, whose funding shall be sourced from two percent (2%) of the annual net earnings of the Philippine Charity Sweepstakes Office and the Philippine Amusement and Gaming Corporation. Rules governing such administration, management, and investment shall be similar to those pertaining to relevant government financial institutions, and shall be formulated by the NARMA. The interest of the Fund shall be utilized for the purpose of implementing special programs, projects, and activities that the Director General may approve in furtherance of the NARMA's mandate.

SEC. 23. *Exemption from Taxes, Duties, Fees, and Charges.* – The NARMA shall be exempt from clearances, payment of taxes, fees, and charges imposed by the National Government and its political subdivisions, agencies, and instrumentalities, including local government units.

All donations in any form to the NARMA shall be exempt from donor's tax and the same shall be considered as an allowable deduction from gross income in the computation of the income tax of the donor, in accordance with the National Internal Revenue Code of 1997, as amended.

Importation of scientific, philosophical, historical, and cultural books, supplies, materials, and equipment for the use in the conservation and

preservation work of the NARMA shall be exempt from customs fees and charges.

ARTICLE III

THE PUBLIC RECORDS MANAGEMENT SYSTEM

SEC 24. *Objectives of Records Management.* – The NARMA shall lead the establishment of records management standards and procedures to be implemented by all government offices, with particular attention to their peculiar needs and operations. Such records management standards and procedures shall seek to implement the following goals:

- a) Accurate and complete documentation of the policies and transactions of all government offices;
- b) Assessment and control of the quantity and quality of public records generated by a government office;
- c) Establishment and maintenance of mechanisms of control with respect to records creation in order to prevent the creation of unnecessary records and to promote the effective and economical operations of a government office;
- d) Simplification of activities, systems, and processes of records creation, maintenance, use and disposition of records;
- e) Judicious preservation and disposition of public records;
- f) Direction of continuous attention on records from their initial creation to their final disposition;
- g) Increase in capacity of electronic and digital forms in the maintenance, storage, reproduction, and preservation of public records; and
- h) Establishment and maintenance of such other systems or techniques as the NARMA considers necessary to carry out the policies and objectives of this Act.

SEC 25. *Establishment of Records Offices in All Government Offices.* — All government offices shall each establish their archives and records office in coordination with the DBM and the NARMA from their organic personnel within a year from the date of effectivity of this Act. The records officer or an archivist of a government office shall head the said archives and records office. The records officer shall have the duty of complying with the NARMA regulations and guidelines and shall be *prima facie* responsible for any failure to comply with the provisions of this Act.

SEC 26. *Establishment of Agency Records Centers.* — All government offices shall establish their agency records center. These centers shall be responsible for the maintenance and control of non-current records under their custody.

SEC 27. *Establishment of a Records and Archives Management Program in All Government Offices.* — All heads of government offices shall establish and maintain an active, continuing program for the effective, efficient, and economical management of public records and archives by their respective government offices.

The NARMA shall assist all government offices in the establishment of their respective records and archives management programs.

SEC 28. *System of Registration and Accreditation.* — Pursuant to the provisions of this Act, the NARMA shall institute a comprehensive program for the registration and accreditation of various public and private archives nationwide. Such system of registration and accreditation shall include among others, the mechanism for updating public and private archives of recent methods, techniques and procedures in records management and the annual reportorial requirements of their archival holdings.

SEC 29. *Public Access Registry.* — All government offices shall regularly conduct an inventory of their public records and shall be mandated to keep the following data in their respective Public Access Registry:

- a) All public records under the government office's custody;
- b) All public records transferred to the NARMA;
- c) Public records disposed of with authority from the NARMA; and
- d) Data of deferred transfer.

Such public access register shall also contain information on:

- a) Restrictions on public access to public records;
- b) Prohibitions on public access to public archives or protected records under the control of the Director General; and
- c) The grounds for the prohibitions and restrictions stipulated.

The heads of all government offices concerned shall ensure the full public accessibility of said registry.

SEC 30. *Records Disposition.* — Every disposition action on a public record must strictly be in accordance with the general records disposition schedule and agency records disposition schedule when applicable, as submitted to and approved by the NARMA.

SEC 31. *General Records Disposition Schedule.* — The NARMA shall develop a general records disposition schedule that shall prescribe the disposal of public records common to all government offices.

SEC 32. *Agency Records Disposition Schedule.* — All government offices shall, after a periodic appraisal and review of its inventory of public records at a frequency to be determined by the NARMA, submit an agency records disposition schedule covering other public records not covered by the GRDS.

SEC 33. *Disposal of Public Records.* — No government office shall dispose, or authorize the disposal, of any public record that is in its custody or control, except with the prior written authority of the NARMA.

SEC 34. *Authority for the Disposition of Public Records.* —

- a) The Director General or his/her delegate shall authorize in writing the disposition of a public record, such as:
 - 1) Transferring control and custody of the public record to another government office;

- 2) Transferring control and/or custody of the public record to the Director General;
 - 3) Destroying the valueless public record; or
 - 4) Selling the valueless public record.
- b) Before authorizing a disposition of a public record under subsection (a), the head of a government office shall give the Director General at least thirty (30) days' notice prior to:
- 1) x x x;
 - 2) x x x;
 - 3) x x x.

SEC 35. *Transfer of Public Records to the NARMA.* — Heads of government offices shall cause the transfer of the following public records under their control and custody, to the control and custody of the NARMA:

- a) Archival materials or collections of any government office which are more than thirty (30) years old and have national and historical significance as determined by NARMA, including, but not limited to:
- 1) as-built plans of government-owned buildings, bridges, and similar works implemented by the Department of Public Works and Highways, and by other government offices;
 - 2) noncurrent public records of a government office that has thirty (30) years or more retention periods, including inactive personnel records which are often referred to as the 201 files.
- b) Any public record, regardless of age, that, in the judgment of the Director General, have archival value to warrant their preservation;
- c) Public records of a government office that ceases to exist as a public office, or ceases to exercise a function to which its public records relate, unless otherwise provided by law;
- d) President and Vice-Presidential Papers;

- e) Civil registry records over one hundred (100) years old; and
- f) Other public records which may be transferred at the option of the heads of government agencies, subject to the acceptance of such records by the NARMA.

Nothing in this section shall be deemed to authorize the transfer of classified records except with prior written consent of the head of the government office charged with the control and custody of public records.

Furthermore, nothing in this section shall be construed as affecting or extending the law relating to copyright.

Public records shall be surrendered on demand:

- a) Public records, in the possession of a private person who has special permission to keep and handle records in the course of his official duties, which in the opinion of the Director General are or likely to be of permanent and enduring archival value, shall, on demand by the Director General or a proper officer be surrendered to the custody and control of the NARMA; and
- b) x x x.

SEC 36. *Turn-over of Presidential and Vice Presidential Papers.*

Presidential Papers and Vice Presidential Papers as defined under this Act shall be transferred to the NARMA within one (1) year from the end of the term of the respective President and Vice President.

SEC 37. *Deferred Transfer of Records.* The Director General may defer the transfer of any public records when, upon his or her determination, the immediate transfer of the public records shall prejudice the administration of any government office or would be contrary to public interest.

The Director General may also defer the transfer of any public records due to logistical concerns, pending legal issues over such records, or failure of the government office to comply with any procedure and conditions for transfer that the NARMA may set out.

The requirement to transfer public records does not apply to the following circumstances:

- a) Public records whose disposition are under or part of specific acts, laws regulations, or orders of a competent court, or a quasi-judicial or investigatory body;
- b) When the head of the controlling government office and the Director General have agreed in writing that the transfer of the public records may be deferred for a specified period that the Head and Director General consider appropriate; *provided* that such deferment should not exceed two (2) years, and that this deferment may be extended upon approval of the Director General, which extension shall not be more than two (2) years at a time;
- c) Public records that are in electronic form, if the Director General instructs the controlling government office in writing to continue to maintain and control those records after the expiry of the thirty (30) year period; or,
- d) When the controlling government office has its own archival facility.

Every deferred transfer under this section shall be noted in NARMA's Registry, and the respective registry of the government office concerned.

SEC 38. *Transfer of Public Records to NARMA Records Centers* – Whenever it is in the interest of the efficient operations of a government office, the head of a controlling government office may direct the transfer of such public record to a records center as provided for by this Act. *Provided*, that such transfer is approved by the NARMA and according to the transferring agency's Records Disposition Schedule and the GRDS.

SEC 39. *Regional Archives, Records Center and Agency Records Center, Establishment.* — Pursuant to the objectives of this Act, the following shall be established, maintained and operated by the NARMA:

- a) *Regional Archives* — x x x
- b) *Records Centers* — x x x
- c) *Agency Records Centers* — x x x

SEC 40. *Protected Records of Local Governments.* —

- a) The Director General may, by notice in the Official Gazette made after consultation with any local government concerned, declare that a local government record is a protected record for purposes of this Act.
- b) An LGU shall provide for the adequate protection and preservation of a protected record it holds, in accordance with any applicable standards or instructions issued by the Director General.
- c) An LGU shall not dispose of a protected record unless it has:
 - 1) Notified in writing the Director General of its intention to dispose of the protected record;
 - 2) Identified the protected record concerned; and
 - 3) Specified how it intends to dispose of the protected record.
- d) Not later than three months after receiving written notification under subsection (c)(1), the Director General shall:
 - 1) Direct the local government in writing to transfer the protected record to the control of the Director General, subject to conditions agreed by the head of an LGU and the Director General; or
 - 2) Authorize the disposal of the protected record identified under subsection (c)(2).

SEC 41. *Approval of Repositories.* — The Director General or his/her delegate may:

- a) Bestow upon an appropriate archives, such as a museum, a library, another archive or a local government repository, as an approved repository where public archives may be deposited for safekeeping; and

- b) Amend or revoke such grant of approval as stipulated under paragraph (a) herein.
- c) At any time after giving reasonable notice, inspect an approved repository;
- d) With the agreement of the head of the controlling government office and the consent of the approved repository, deposit public archives in an approved repository, or conditions on, or issue instructions to, an approved repository for the purpose;
- e) Impose standards of ensuring that the national interests in the public archives are preserved; the public archives are properly maintained and appropriate public access to the public archives is maintained; and
- f) Direct an approved repository to transfer public archives to the possession of the NARMA, another approved repository or the controlling government office, as the case may be.

ARTICLE IV

ELECTRONICS RECORDS MANAGEMENT

SEC 42. *Management of Electronic Records.* — All government offices, with existing electronic records, shall create and implement an Electronic Records Management Program (ERMP), which shall be in line with the standards set under this Act and other regulations which may be issued by the NARMA.

SEC 43. *Electronic Records Standards* — The following minimum standards shall be imposed on electronic records management:

- a) **Record Documentation** – Electronic records shall be created with essential metadata which describe the content and structure of the record as well as the background of its creation. Accurate and reliable links connecting the electronic record and the transaction that will be created shall be maintained.

- b) **Record Accessibility** – The content, structure, and context of records shall be transferred to and preserved in the electronic records management system in an accessible and useable format until the records reach the end of their retention period or until they are destroyed.
- c) **Record Integrity** – All electronic records shall be properly secured. They shall be protected throughout their retention periods from intentional or accidental modifications, disclosures deletion, and unauthorized access. Permission to capture, access, or destroy electronic records shall only be given to authorized personnel.
- d) **Record Security** – The agencies shall formulate their own rules on access levels to include the use of usernames and passwords. Access rights may be given to authorized users and/or personnel in accordance with applicable provisions of the Data Privacy Act and other regulations pertaining to confidential and classified records. The agency shall also identify which electronic records are subject to legislative, regulatory and institutional policy restrictions.

SEC 44. *Electronic Record as an Official Copy* — An electronic record shall be considered as the official copy when it is created, captured, and maintained within a reliable electronic recordkeeping system.

SEC 45. *Inventory of Electronic Records* — All government offices shall create a records inventory of all electronic records, regardless of media. Government offices shall also ensure that all electronic records are included in their respective Agency Records Disposition Schedules.

SEC 46. *Digitization of Paper Records* — Records with long-term administrative, legal, fiscal, or other permanent value shall be prioritized for conversion to an electronic format.

SEC 47. *Digitized Document as Equivalent of the Original* — Any digitized document certified as a true copy of the records under the custody of the

controlling government office, shall be considered an original document. Any digitized document so certified by the said office shall be considered a public document, which needs no further authentication in any court of law.

SEC 48. *Admissibility as Evidence* – The relevant applicable rules of judicial, quasi-judicial, or administrative bodies shall determine the admissibility and manner of authentication of these electronic records as evidence.

SEC 49. *Copies as equivalent of the originals* – When a document is in two or more copies executed at or about the same time with identical contents, or is a counterpart produced by the same impression as the original, or from the same matrix, or by mechanical or electronic re-recording, or by chemical reproduction, or by other equivalent techniques which accurately reproduces the original, such copies or duplicates shall be regarded as the equivalent of the original. Notwithstanding the foregoing, copies or duplicates shall not be admissible to the same extent as the original if:

- a) a genuine question is raised as to the authenticity of the original;
or
- b) in the circumstances it would be unjust or inequitable to admit a copy in lieu of the original.

SEC 450. *Digital Signature* — Official digital signatures, which have verifiable metadata and are password-protected, must be used on all official documents which are otherwise not signed on paper.

SEC 51. *Official Electronic Mail* — Official government business must be conducted only through official email accounts.

SEC 52. *Preservation of Electronic Records* — Government offices shall guarantee that electronic records will not sustain any loss or alteration of information at all stages of their existence. Government offices must ensure the future accessibility of electronic records by developing migration and conversion strategies that are designed to update hardware, software, and storage media before they reach obsolescence.

Furthermore, government offices shall maintain appropriate back-up media and systems for storing electronic records through-out the records retention period.

SEC 53. *Migration of Electronic Records* — Migration of electronic records shall be required when at least one of the following conditions is present:

- a) The scheduled destruction date is greater than five years from the initial installation date or last major upgrade of the computer storage device or software that reads, process, or maintains the records;
- b) The total retention period is greater than ten years from the date the records were created; or
- c) Usability of the electronic records will be affected by replacements, upgrades, or other changes in computer hardware or software components.

SEC 54. *Retention and Disposal of Electronic Records* — The retention and disposal of electronic records shall be in accordance with the approved records disposition schedules and Article III, Sec. 33 of this Act.

ARTICLE VI

STANDARDS, INSPECTION, REPORTING AND AUDIT

SEC 55. *Effectivity of Standards*. — All standards issued by the Director General shall be published in the Official Gazette or in a newspaper of general circulation not later than ninety (90) days before its effectivity. In the absence of such required publication, the NARMA shall deem it not effective.

SEC 56. *Inspection Powers*. — The Director General may, after giving reasonable notice to a government office or private archive concerned, review the records management and archives administration practices and programs of any government office, determine the effectiveness and compliance of such practices and programs with this Act, and make the necessary recommendation

or directive for correction or improvement of records management; *Provided*, that during the conduct of inspection, the Director General or his/her authorized representative may require the production of documents or archives.

However, the Director General is prohibited from exercising such power to inspect in cases where public records:

- a) carry security classifications; and,
- b) are restricted by other legislation without the consent of the head of the controlling government office.

The provision of this section applies, with the necessary modifications, to local government records and local government archives.

For this purpose, the NARMA shall adopt an operational guideline and rules of procedure. The Director General or his/her delegate shall have the power to cite the responsible official/s for contempt for violations thereof.

SEC 57. *Direction to Report to the Director General.* — The Director General may give notice in writing directing the head of a government office or of an approved repository to report to the Director General or to any other person on:

- a) Any specified aspect of its record keeping practice; or
- b) The public records that it controls or, in the case of an approved repository, has possession of.

SEC 58. *Annual Report on Record Keeping.* — The Director General shall make an annual report to the President on the state of record keeping within government offices. Such report shall be included in the annual report given to the President where the same shall be furnished to the Congress.

SEC 59. *Public Records Management Audit.* — The Director General or his/her delegate shall be authorized to conduct a periodic records management audit in all government offices and other public archives. All heads of each government office, whether national or local, shall grant access to all of their records for audit purposes. The audit shall be conducted after five (5) years from

the date of effectivity of this Act and five (5) years thereafter, or as otherwise required under pertinent rules.

For this purpose, the Director General may deputize the respective records officers of the concerned agencies or office to assist him/her in the conduct of the audit; provided that the audit/inspection of consular offices, embassies, and other government agencies outside the Philippines shall be conducted every five (5) years.

ARTICLE VII

ARCHIVES ADMINISTRATION

SEC 60. *Access Status.* — When public records have been in existence for thirty (30) years or more are about to be transferred to the custody and control of the NARMA, the head of the controlling government office shall classify the records as either:

- a) Open access records, which may be freely accessed by the public;
or
- b) Restricted access records, which must be withheld from the public as required by law or as deemed necessary by the head of government office.

At the time of original classification, the controlling government office shall establish a specific date or event for declassification based on the duration of the national security sensitivity of the information, which period shall not exceed 30 years. Such period may be extended upon approval by the Director General of the request by the controlling government agency, which extension shall not be more than five (5) years at a time.

SEC 61. *Grounds for Determining Access Status.* —

- a) In classifying the access status of a public record under Section 60, the head of the controlling government office shall consider existing rules and regulations on classified records.

- b) x x x
- c) If there are good reasons for restricting public access under subsection (a), or if such legal impediment exists requiring such public record to be withheld from public access, the head of the controlling government office shall, in consultation with Director General, determine the necessity to restrict public access to the public record for a specified period of time or permit such public access with conditions.
- d) The head of a controlling government agency may, at any time, in consultation with the Director General, vary or withdraw a condition imposed on public access records.
- e) x x x
- f) The NARMA shall comply with the conditions of public access imposed under subsection (c).
- g) A restriction on public access to a public record shall be noted in the Public Access Registry.
- h) x x x

SEC 62. *Access Status of Local Government Records.* — x x x.

SEC 63. *Grounds for Determining Access Status of Local Government Records.* — x x x.

SEC. 64. *Access to Public Archives.* – Any person may, for the purpose of reference or research, inspect any public archives or public records made available to the public; *Provided*, that all conditions or restrictions imposed by the government office from which the public records were acquired and/or by the NARMA are met.

SEC 65. *Public Inspections of Open Access Records.* — Unless this Act or its pertinent implementing rules and regulations provides otherwise, an open access record shall be made available for inspection by the public as soon as it is reasonably practicable after a request to inspect the record is made to the

government office, the approved repository, or the NARMA, whichever has possession of the open access record.

SEC 66. *Publication or Copying of Public Archives under the NARMA.* —

The Director General may, subject to condition that he/she deems appropriate, authorize, in writing, the publication or replication of a public archive that is an open access record.

SEC 67. *Prohibition on Public Access or Replication.* —

Accessing or replicating a public archive or protected record which is under the control and custody of the NARMA shall be deemed prohibited. Such prohibition on public access shall be noted in the Public Access Registry.

SEC 68. *Restricted Access Records.* —

The period for which public access to a public record may be restricted, may upon the written request of the Director General, be reviewed after the expiry of ten (10) years from the date that the restriction is recorded in the Public Access Registry: Provided, That before its expiry, it may be extended for further periods as specified by the head of the controlling government office.

SEC 69. *Creation of Archival Preservation Copies.* —

The NARMA shall ensure continued access to its archival collection through the creation of preservation copies of its archival records in various preservation formats, such as but not limited to, microfilms and microfiche.

SEC 70. *Protection of Records and Archives against Disasters.* —

The NARMA shall establish standards and guidelines for the protection of records and archives during natural disasters and human-induced calamities. It will also ensure close coordination with relevant government agencies to ensure that records and archives are protected and preserved during natural disasters and human-induced calamities.

SEC 71. *Inalienability and Imprescriptibility of Public Records and Public Archives.* —

All public records and public archives are inalienable and cannot be removed, abandoned, destroyed or transferred from the agency having custody of the records without the authorities under this Act or its implementing rules.

The NARMA shall have the right to recover, manage, and retain custody/possession of any and all estray records at any time. Furthermore, the NARMA may compel any person to surrender an estray record at any time after due notice.

The head of the concerned government office shall notify the NARMA of any actual, impending, or threatened unlawful removal, sale, unauthorized reproduction, defacing, alteration, corruption, deletion, erasure, or other destruction of records in the custody of a government office. The NARMA shall then initiate action for the recovery and protection of such public records.

SEC 72. *Procurement of Items for the NARMA Collections.* — The procurement of unique, special, and/or original items with national importance by the NARMA for its collections, charged to any of its sources of funds as may be allowed, shall be exempted from applicable laws, rules, and regulations regarding government procurement.

The NARMA shall be allowed to procure collections or items by means of direct negotiation with the owners of such items, or their duly designated agents or representatives, in the Philippines and abroad.

Furthermore, nothing in this section shall be construed as affecting or extending the law relating to copyright. Notwithstanding the provisions of the Intellectual Property Code (RA 8293 as amended), copyright of properties acquired pursuant to the preceding sections shall belong to NARMA, unless otherwise stipulated.

SEC 73. *Procurement through Public Auction.* — The NARMA shall be authorized to procure unique, special, and/or original items for its collections through bidding at public auctions, including online public auctions. For each item, the Director General shall predetermine an appropriate price ceiling based on his or her judgment of the fair market valuation of the same, exclusive of commissions, fees, charges, taxes and other associated expenses.

The interest of the NARMA in a certain item shall be made known to the management of the public auction, which shall duly disclose or otherwise

announce it to all parties registered to observe or participate in the said auction. However, with or without prior notice, the NARMA shall be given preference in the bidding process and it shall have thirty (30) working days, upon notice of the conclusion of the highest bid, to match the highest bid made for an item it has expressed an interest in, and if the bid is successfully matched then the NARMA shall be awarded the item in question.

The invoice issued to the NARMA by the management of the public auction, which shall include the relevant commissions, fees, charges, taxes, and other associated expenses in addition to the bid price for the item, followed by the procedure in the immediately preceding section, shall be considered sufficient for the procurement of an item under this Section.

ARTICLE VIII

PROTECTION, PRESERVATION, AND CONSERVATION OF ARCHIVAL CULTURAL HERITAGE

SEC 74. *The Role of NARMA in Protecting Archival Cultural Heritage.* — In line with the pertinent provisions of the National Cultural Heritage Act, as amended, the NARMA shall have the primary responsibility for the preservation, conservation, protection, and regulation of the nation's archival cultural heritage.

SEC 75. *Presumption of Archival Cultural Heritage as Important Cultural Property.* — The following shall be presumed as Important Cultural Properties, unless such presumption is lifted by the NARMA:

- a) Archival material/document dating at least fifty (50) years old;
- b) Audio-visual materials and records dating at least fifty (50) years old; and
- c) Archival collection and other records of:
 - 1) National Heroes;
 - 2) Former Presidents and Vice Presidents of the Philippines;
 - 3) National Artists;

- 4) National Scientists;
- 5) Manlilikha ng Bayan;
- 6) Republic Cultural Heritage Awardees; and
- 7) Other Filipino Masters.

SEC 76. *Declaration of Archival Cultural Properties as National Cultural Treasures and Important Cultural Properties.* — NARMA shall declare archival properties as national cultural treasures or important cultural properties in accordance with the provisions of the National Cultural Heritage Act, as amended.

SEC 77. *Right of First Refusal Over Archival Important Cultural Properties and National Cultural Treasures.* — The NARMA shall be given the right of first refusal in the purchase of archival cultural properties declared as national cultural treasures or important cultural properties. Prior to the finality of the sale, the NARMA may likewise match any offer made for the purchase of said properties.

SEC 78. *Conservation of Archival Cultural Properties.* — All intervention works and measures on conservation of archival national cultural treasures and important cultural properties, including presumed cultural properties, shall be undertaken or supervised by the NARMA. The NARMA shall approve only those methods and materials that strictly adhere to the internationally accepted standards of conservation.

SEC 79. *National Archives Month.* — The month of October of every year shall be observed as the National Archives Month to focus public attention on the role and importance of records and archives in the various national development efforts and to commemorate the creation and concretization of archives work in the Philippines. The NARMA shall spearhead the yearly commemoration by determining the appropriate activities for the observance thereof.

ARTICLE IX

INVESTIGATION, PROSECUTION, AND OFFENSES

SEC. 80. *Investigation and Prosecution of Offenses.* – The Director General, or his/her delegate, may investigate an alleged violation of this Act, or of a rule, regulation, or order of the NARMA.

SEC. 81. *Administration of Oaths, Subpoena of Witnesses and Documents.* – The Director General, or his/her delegate, may administer oaths and affirmations, issue subpoena *ad testificandum* and subpoena *duces tecum*, take testimony in any inquiry or investigation, and may perform other acts necessary to the proceedings or to the investigation.

SEC 82. *Cease and Desist Orders.* – Whenever the Director General, or his/her delegate, has reasonable basis to believe that a person has violated, or is about to violate this Act, or a rule, regulation, or order of NARMA, he or she may direct such person to desist from committing the act constituting the violation.

The Director General, or his/her delegate, may issue a cease-and-desist order *ex parte* to enjoin an act or practice which is fraudulent or can be reasonably expected to cause significant, imminent, and irreparable danger or injury to public safety or welfare in relation to the purposes and objectives of this Act. The *ex parte* order shall be valid for a maximum period of twenty (20) days, without prejudice to the order being made permanent after due notice and hearing.

SEC 83. *Contempt.* – Any person who, without justifiable cause, fails or refuses to comply with any lawful order, decision, or subpoena issued by the Director General, or his/her authorized officer/s, shall, after due notice and hearing, be held in contempt and fined in an amount not exceeding Thirty thousand pesos (₱30,000.00). When the refusal amounts to clear and open defiance of the NARMA's order, decision, or subpoena, the NARMA may impose a daily fine of One thousand pesos (₱1,000.00) until the order, decision, or subpoena is complied with.

SEC. 84. *Administrative Fines or Sanctions* – If, after due notice and hearing, the NARMA finds that (a) there is a violation of its rules and orders issued in pursuance to this Act; (b) there is obstruction or refusal to comply with NARMA’s lawful directives in the implementation of this Act; or (c) there is a conduct of seminars, trainings, and lectures regarding public records disposition without authority from the Director General, it shall, in its discretion and based on the attending facts and circumstances and with regard to the gravity and willfulness of the violation, impose an administrative fine of not less than Fifty Thousand Pesos (PhP 50,000.00), nor more than One Million Pesos (PhP 1,000,000.00), plus not more than Two Thousand Pesos (PhP 2,000.00) for each day of continuing violation, with legal interest.

The imposition of an administrative fine or sanction shall be without prejudice to any criminal or civil liability of the offender.

The Director General shall have the power to issue writs of execution to enforce the provisions of this Section and to enforce payment of the fees herein. The fees collected under this Section shall be forwarded and remitted to the NARMA Trust Fund created under Sec. 19 of this Act.

SEC 85. *Offenses and Penalties.* — The following acts are hereby deemed unlawful and subject to the corresponding penalties:

- a) Willfully or negligently altering, damaging, or destroying/disposing of any public record in the possession of NARMA and other government agencies, other than in accordance with the provisions of this Act – imprisonment of no less than five (5) but no more than ten (10) years and/or a fine of no less than Five Hundred Thousand Pesos (P500,000.00) but no more than One Million Pesos (P1,000,000.00), at the discretion of the court;
- b) Transferring a public record outside of the Philippines without the express written authority of the Director General – imprisonment of no less than five (5) but no more than ten (10) years and/or a fine of no less than Five Hundred Thousand Pesos (P500,000.00)

but no more than One Million Pesos (P1,000,000.00), at the discretion of the court;

- c) Selling of public archives within the custody of the NARMA, without the NARMA's authority – imprisonment of no less than five (5) but no more than ten (10) years and/or a fine of no less than Five Hundred Thousand Pesos (P500,000.00) but no more than One Million Pesos (P1,000,000.00), at the discretion of the court; and

Any public officer committing any of the unlawful acts prohibited under this Act shall be punished by an additional fine of not less than Five hundred thousand pesos (P500,000.00) but not exceeding One million pesos (P1,000,000.00) and/or additional imprisonment for not less than five years but not more than fifteen (15) years and/or both fine and imprisonment at the discretion of the court without prejudice to the filing of administrative charges that would result to such public officer's perpetual disqualification from public office, and forfeiture, in favor of the government, of his/her salary and other lawful income.

The violation of the provision of this Section proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public officer, even if no criminal prosecution is instituted against him/her.

A person convicted of an offense under this section may, in addition to any penalty imposed for violation, be prohibited by order of the court from having access to the NARMA for any period that the court deems appropriate.

SEC 86. *Competent Court.* — x x x.

SEC 87. *Prescription of Offenses.* — x x x.

SEC 88. *Termination of Office.* — x x x.

SEC 89. *Suspension and Loss of Benefits.* — x x x."

Sec 2. *Transitory Provisions.* — All the assets, fixed and movable, and all contracts, documents, and records of the National Archives of the Philippines relative to its operation are hereby transferred to the NARMA.

All agreements and contracts entered into by the National Archives of the Philippines shall remain in full force and effect unless otherwise terminated, modified, or amended.

The incumbent Executive Director and Deputy Executive Directors of the National Archives of the Philippines shall continue to serve in their respective capacity as the Director General and Deputy Directors General of the NARMA for one year after the effectivity of this Act, or until the completion of their respective terms of office as granted under Republic Act No. 9470, whichever is longer, unless such terms of office are extended by the President: *Provided*, that such extension shall not exceed five (5) years, after which, the new Director General shall serve seven (7) years, pursuant to Sec. 10 of this Act.

Employees of the National Archives shall be absorbed by the NARMA on the basis of merit and fitness: *Provided*, that employees who shall be separated from the service as a result of the abolition shall receive retirement and other benefits to which they are entitled under existing laws.

The necessary plantilla positions and organizational units within the NARMA, including the additional positions of Deputy Directors Generals and Regional Directors, shall be established in coordination with the Department of Budget and Management.

Sec 3. Appropriations. — The amount of Two Hundred Million Pesos (PHP 200,000,000.00) necessary to carry out the provisions of this Act shall be appropriated from the funds not otherwise appropriated and are available in the National Treasury. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Sec 4. Implementing Rules and Regulations. — Within ninety (90) days from the effectivity of this Act, the NARMA shall promulgate the necessary rules and regulations for the proper implementation of this Act.

Sec 5. Separability Clause. — Should any portion or provision of this Act be declared unconstitutional, the same shall not affect the validity and effectivity of the other portions or provisions hereof not affected thereby.

Sec 6. *Repealing Clause.* – All other laws, presidential decrees, executive orders, and rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec 7. *Effectivity.* – This Act shall take effect after fifteen (15) days following the completion of its publication in the Official gazette or in a newspaper of general circulation.

Approved,