

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

TWENTIETH CONGRESS
First Regular Session

House Bill NO. 2669



Introduced by Representative Richard I. Gomez, DPA

EXPLANATORY NOTE

The 1987 Philippine Constitution mandates that “Arts and letters shall enjoy the patronage of the State. xxx” (Sec. 15, Art. XIV). Further, it requires that “The State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, *scholarships, grants and other incentives*, and community cultural centers, and other public venues.” (Sec. 18, par [1]) [italics supplied].

It may be asked, what is the purpose of art? According to Leo Tolstoy, “An artist’s mission must not be to produce an irrefutable solution to a problem, but to compel us to love life in all its countless and inexhaustible manifestations.” For Chesterton, “The dignity of the artist lies in his duty of keeping awake the sense of wonder in the world.” Henry Ward Beecher, for his part, stated that “Every artist dips his brush in his own soul, and paints his own nature into his pictures.” In agreement, George Bernard Shaw wrote, “You use a glass mirror to see your face; you use works of art to see your soul.”

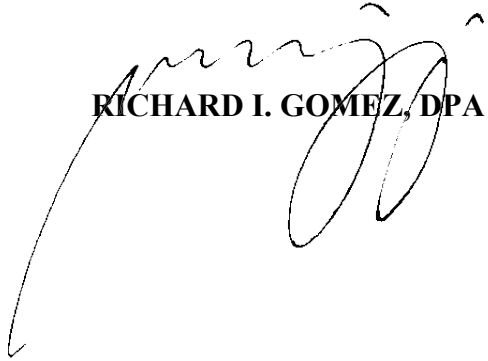
Thus, the arts and culture may be said to embody the soul of the nation. And yet, in terms of governmental support, they are usually regarded merely as “poor cousins” of education and sports. These latter areas of human activity always enjoy emphasis by way of budgetary priority, incentives and other grants way above those being accorded to the former. There is, however, no ample reason why artists should be denied the benefits and incentives given to our athletes as provided for under Republic Act No. 9064 and the statute which expanded said benefits, namely, Republic Act No. 10699.

From the earlier discussion, after knowing the purpose of art, it may legitimately be asked, what is the main problem that besets it? Kurt Vonnegut puts it succinctly, “The practice of art isn’t to make a living. It’s to make your soul grow.” Veritably, most artists could not survive, let alone prosper, by practicing their craft. A lot of parents discourage their children from choosing the arts as their career arguing that there is no future in such endeavors. It has been said that Van Gogh, one of Holland’s greatest artists, sold only one painting in his lifetime although his works are now worth a

fortune. Mozart, on his part (although much through fault of his own), had to beg for money from his already overextended creditors. And the list goes on. It is therefore a question for our times, how could we make the arts flourish?

This measure seeks to rectify, to a limited extent, the decades of neglect, discrimination and sometimes even opprobrium suffered by artists in a society which prides itself as being democratic and labels itself as humane. By providing cash incentives and other non-monetary benefits to Filipino artists who have won international competitions thus earning honor and pride for our country, this proposed legislation would be a step closer in the right direction in making the arts a respectable and decent source of livelihood for our artists. At the very least, it is strongly hoped that this bill would provide the much-needed spark for the Filipino artists to excel in their own chosen field.

In view thereof, the early approval of this bill is earnestly requested.



RICHARD I. GOMEZ, DPA

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AN ACT
GRANTING CASH AND OTHER NON-MONETARY BENEFITS AND
INCENTIVES TO FILIPINO ARTISTS WHO HAVE BROUGHT HONOR AND
RECOGNITION TO THE COUNTRY BY WINNING IN AN
INTERNATIONAL COMPETITIONS, 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 “Filipino Artists Benefits and Incentives Act.”

SEC. 2. *Statement of Policy.* – The State promotes excellence in the arts and richness of culture by looking after the welfare of Filipino artists competing for the country and by providing benefits and incentives for artists who win in international competitions and bring honor and recognition to the country.

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

(a). Filipino artists shall refer to Filipino citizen artists, including persons with disabilities, as defined under Republic Act No. 7277, otherwise known as the “Magna Carta for Disabled Persons,” as amended, recognized and accredited in their respective fields of art, and who have won in international arts competitions;

(b) International arts competitions shall refer to international arts competitions under the following categories, as specified in the Implementing Rules and Regulations (IRR) of this Act:

1. Architecture, Design and Allied Arts – include architecture design, interior design, industrial arts design, landscape architecture and fashion design;

2. Dance – includes choreography, direction and/or performance;
3. Film and Broadcasting / Broadcast Arts – include direction, writing, production design, cinematography, editing, camera work, and/or performance;
4. Literature – includes poetry, fiction, essay, playwriting, historical literature, journalism, and/or literary criticism;
5. Music – includes singing, composition, direction, and/or performance;
6. Theater – includes direction, performance and/or production design; and
7. Visual Arts – includes painting, sculpture, printmaking, photography, installation art, mixed media works, illustration, graphic arts, performance art and/or imaging.; and

SEC. 4. *Benefits and Privileges for Filipino Artists.* – Any Filipino artist, as defined herein, shall be entitled to the following:

- (a). The grant of twenty percent (20%) discount from all establishments relative to the utilization of transportation services, hotels and other lodging establishments, restaurants and recreation centers and purchase of medicine and art equipment anywhere in the country for the actual and exclusive use or enjoyment of the Filipino artist;
- (b) Minimum of twenty percent (20%) discount on admission fees charged by theatres, cinema houses and concert halls, circuses, carnivals, and other similar places of culture, leisure and amusement for the actual and exclusive use and enjoyment of the Filipino artist;
- (c) Free medical and dental consultations in government hospitals and similar establishments anywhere in the country;
- (d) Coverage in the National Health Insurance Program (NHIP) of the Philippine Health Insurance Corporation (PHILHEALTH);
- (e) A comprehensive social security program to be formulated by the Social Security System (SSS) within one hundred eighty (180) days from the approval of this Act;
- (f) Priority in existing livelihood programs being undertaken by various government agencies subject to the guidelines and qualifications by the implementing body;
- (g) Priority in national housing programs, affordable “pabahay” loans and other housing opportunities subject to the guidelines and qualifications set by the National Housing Authority (NHA) or the Home Development Mutual Fund (HDMF), and
- (h) Use of living quarters and training centers to be set up by the National Commission on Culture and the Arts (NCCA) for the exclusive use of Filipino artists while preparing and training for international competitions.

Such privately-owned establishments shall enjoy tax deductions equivalent to the discounts extended to the Filipino artists under paragraphs (a) and (b) hereof, subject to the rules and regulations to be issued by the Secretary of Finance, as recommended by the Commissioner of Internal Revenue (BIR), within ninety (90) days upon the effectivity of this Act; provided, that the failure of the Secretary of Finance to promulgate the rules and regulations shall not prevent the implementation of aforementioned benefits.

SEC. 5. *Scholarship Benefits for Filipino Artists.* – A Filipino artist who wins in an international arts competition shall be entitled to scholarship benefits in the form of full

tuition fees from state colleges or universities for a college or university degree. The winning artist shall likewise be given priority in the availment of state college or university scholarship grants.

Likewise, the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA) shall give priority to winning Filipino artists who seek scholarship grants and study under their programs subject to the CHED and TESDA regulations and policies and qualifications for all applicants.

Private colleges and universities shall likewise be encouraged to adopt a similar program in their institutions for winning Filipino artists.

SEC. 6. *Retirement Benefits for Filipino Artists.* – Any Filipino artist who has won an international competition shall receive a lump sum amount equivalent to twenty-five percent (25%) of his/her total cash incentives computed from the start of his/her active arts career up to the last day of retirement from active competition or training as certified by the NCCA. Such lump sum amount shall be released sixty (60) days from the filing of the retirement papers.

SEC. 7. *Death Benefits.* – Upon the death of any Filipino artist, the primary beneficiaries shall be entitled to a lump sum benefit of thirty thousand pesos (P30,000.00) to cover for the funeral services; *Provided*, That if the artist has no primary beneficiaries, the secondary beneficiaries shall be entitled to said benefits.

For purposes of this Act, primary beneficiaries shall refer to the legitimate spouse, legitimate or illegitimate children. Secondary beneficiaries shall refer to the parents and in their absence, to the brothers or sisters of such artist.

The benefits provided under this section shall be without prejudice to other similar benefits that may be received by the Filipino artist from other sources.

SEC. 8. *Cash Incentives for Artists.* – Filipino artists who win gold, silver and bronze medals in international arts competitions compliant to this Act's IRR, shall be entitled to cash incentives in the following amounts:

(a). Individual Competitions

1. For Gold Medalists, ten million pesos (P10,000,000.00) and a Presidential Award for Filipino Artists;
2. For Silver Medalists, five million pesos (P5,000,000.00); and
3. For Bronze Medalists, two million pesos (P2,000,000.00)

(b). Group Competitions

1. For competitions with less than five (5) participants per group, the group shall receive the same cash incentives for individual medal winners as herein provided, to be divided equally among the group members actually present during the competition;
2. For competitions with five (5) or more participants per group, each group member shall receive twenty-five percent (25%) of the cash incentives for individual medal winners as herein provided;
3. Provided that all cash incentives herein stated may be adjusted by the NCCA, based on studies, consultations and public hearings with relevant agencies to reflect the

economic needs of the artists, not later than three (3) years after the effectivity of this Act and every three (3) years thereafter.

SEC. 9. *Availment of Benefits and Privileges.* – The abovementioned benefits and privileges shall be availed by Filipino artists upon presentation of a valid identification card, renewable every year, to be issued by the NCCA; *Provided*, that artists shall not avail of said benefits and privileges under Section 4 of this Act in combination with similar benefits and privileges under other existing laws.

SEC. 10. *Penalties.* –

(a). Any person violating the provisions of Section 4 (a) and (b) of this Act shall suffer the following penalties:

1. For the first violation, a fine of not less than fifty thousand pesos (P50,000.00) but not exceeding one hundred thousand pesos (P100,000.00) or imprisonment of not less than six (6) months but not more than two (2) years, or both, at the discretion of the court; and

2. For any subsequent violation, a fine of not less than one hundred thousand pesos (P100,000.00) but not exceeding two hundred thousand pesos (P200,000.00) or imprisonment of not less than two (2) years but not more than six (6) years, or both, at the discretion of the court.

(b). Any Filipino artist who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months or a fine of not less than five thousand pesos (P5,000.00) but not more than fifty thousand pesos (P50,000.00), or both, at the discretion of the court;

(c). If the violator is a corporation, partnership or any juridical person, the penalty shall be imposed upon the president, owner or any responsible officer; and

(d). If the violator is an alien or a foreigner, the person shall be deported immediately after service of sentence without further deportation proceedings.

Upon filing of an appropriate complaint, and after due notice and hearing, the proper authorities may also cause the cancellation or revocation of the business permit, permit to operate, franchise and other similar privileges granted to any business entity that fails to abide by the provisions of this Act.

SEC. 11. *Funding.* – The amount necessary for the implementation of the cash incentives and retirement benefits under this Act shall be sourced from the current appropriation of the NCAA. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act as part of the budget of the NCCA.

SEC. 12. *Implementing Rules and Regulations.* – The NCCA, in consultation with the Cultural Center of the Philippines (CCP), the Department of Education (DepEd), the CHED, the TESDA, the Department of Finance (DOF) and the BIR, shall promulgate and issue the Implementing Rules and Regulations (IRR) within sixty (60) days upon approval of this Act; provided, that the failure of the NCCA to promulgate the rules and regulations shall not prevent the implementation of this Act upon its effectivity.

SEC. 13. *Monitoring and Reportorial Requirements.* – The NCCA shall submit a report on the benefits, privileges and incentives granted under this Act to Filipino artists, to the DOF, the Department of Budget and Management (DBM), the Senate and the House of Representatives for the purpose of monitoring the implementation of this Act. The submission shall not be later than three (3) years from the effectivity of this Act and every three (3) years thereafter.

SEC. 14. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 15. *Separability Clause.* – If any provision or part hereof is declared unconstitutional, the remainder of this Act or any provision not affected shall remain in full force and effect.

SEC. 16. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication either in the Official Gazette or in two (2) newspapers of general circulation.

Approved,