

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5111



Introduced by **REPRESENTATIVE AUDREY KAY T. ZUBIRI**

AN ACT
STRENGTHENING THE SPECIAL PROGRAM IN CREATIVE ARTS FOR JUNIOR
AND SENIOR HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

One of the persistent challenges faced by students in the Philippines is the government's strong focus on producing graduates in the fields of science and mathematics. This issue is most evident in the numerous scholarship programs available to students pursuing courses in the Science, Technology, Engineering, and Mathematics (STEM) track in Senior High School. This focus is supported by Republic Act No. 10612, also known as the *Fast-Track Science and Technology Scholarship Act of 2013*, which seeks to accelerate the production of science, mathematics, and engineering graduates through scholarship opportunities. The intent is to ensure an increase in labor and employment within the STEM industry.

While the government's commitment to strengthening the STEM pipeline is commendable, it has unintentionally created an uneven landscape for students whose interests and strengths lie in the arts, humanities, and social sciences. These students often face discrimination and systemic disadvantages in terms of educational support and post-graduate opportunities.

One student from a Communication Arts program, for example, shared how he was ridiculed by his father after proudly showing a grade of "uno" (1.0): "*Eh madali lang naman 'yang course mo eh! Naglalaro ka lang diyan.*"¹

¹ <https://opinion.inquirer.net/150765/walang-pera-diyen>

The 1987 Philippine Constitution, specifically Article XIV, Section 4, mandates that the State shall encourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs. This provision reflects the constitutional mandate to promote inclusive and equitable access to education in all its forms — a principle that should extend to students in all academic disciplines, not just those in fields of science and mathematics.

Among the salient features of this bill are the Creation of the Special Program in Creative Arts (SPCA) Council headed by the Secretary of the Department of Education; the exemption from custom duties of creative industry, books, art related supplies, musical instruments, materials and goods; and the exemption from donor's tax of all grants, bequests, endowments, donations and contributions made to the SPCA.

This bill was previously filed and was approved on third reading during the 19th Congress.

In light of these considerations, this bill seeks to provide the necessary funding and adequate support for children who wish to explore interests beyond sports and academics, and to nurture their patriotic ideals.

In view of the foregoing, the passage of this measure is earnestly sought.



AUDREY KAY T. ZUBIRI
Representative, 3rd District of Bukidnon

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “Special Program in the
2 Creative Arts Act”.

3
4 **SEC. 2. *Declaration of Policy.*** – The State recognizes the vital role of the youth in
5 nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and
6 social well-being. Moreover, the government is committed to fulfill its constitutional mandate
7 to foster the preservation, enrichment, and dynamic evolution of a Filipino national culture
8 based on the principle of unity in diversity in a climate of free artistic and intellectual expression
9 and to place arts, design and other intellectual creative creation under the patronage of the State.

10
11 To this end, the State shall promote creative arts education, encourage arts programs,
12 support national art competitions, and strengthen education for the development of creative
13 industries. The State shall provide adequate training for students with artistic abilities, with the
14 end in view of producing world-class artists with firm academic foundation and strong patriotic
15 ideals.

16
17 **SEC. 3. *Objective.*** – The Special Program in the Creative Arts (SPCA) is hereby
18 strengthened to provide a continuing source of artists of excellence and leaders in the
19 preservation and promotion of culture, arts, and the creative industry in the Philippines.
20 Admitted students shall be trained under a special curriculum oriented in the fields of

1 architecture and allied arts, cinema, dance, dramatic arts, literary arts, music, visual arts, design,
2 digital fabrication and new media, along with financial literacy, entrepreneurship skills, and
3 basic knowledge on intellectual property rights, with the end in view of providing quality
4 education to students while giving way to opportunities for a sustainable profession.
5

6 **SEC. 4. *The SPCA Council.*** – The SPCA Council, herein referred to as the Council,
7 is hereby created which shall be under the administrative supervision of the Department of
8 Education (DepEd), and composed of seven (7) members, namely: (1) Secretary of the DepEd,
9 as Chairperson; (2) Chairperson of the National Commission for Culture and the Arts (NCCA),
10 as Vice-Chairperson; (3) Secretary of the Department of Trade and Industry (DTI); (4)
11 President of the Cultural Center of the Philippines (CCP); (5) Chairperson of the Commission
12 on Higher Education (CHED); (6) Executive Director of the Philippine Creative Industries
13 Development Council (PCIDC); and (7) President of the Creative Economy Council of the
14 Philippines (CECP).
15

16 Members may designate a representative who shall be of rank no lower than that of an
17 Undersecretary.
18

19 Members of the Council shall serve without compensation but shall be entitled to
20 reimbursement for expenses related to their participation in the official activities of the
21 Council, in accordance with pertinent laws, rules and regulations.
22

23 The Council shall regularly meet at least once every quarter of the academic year. The
24 Chairperson or a majority of the Council's members may call a special meeting whenever
25 necessary.
26

27 A meeting may be conducted virtually only in circumstances when meeting in person is
28 impossible or impractical and all the Council members are able to communicate adequately
29 during the meeting.
30

31 **SEC. 5. *Duties and Functions of the Council.*** – The Council shall have the following
32 duties and functions:
33

- (a) Periodically consult with various creative industries to ensure that the programs, curriculum, courses, and other activities of the SPCA respond to the current and future trends to secure opportunities for the commercial success of SPCA graduates;
- (b) Guarantee that the curriculum in the SPCA shall be in accordance with the qualification levels in terms of the three (3) Philippine Qualifications Framework domains: knowledge, skills, and values; application; and degree of independence;
- (c) Design and implement plans, programs, and activities that will encourage experienced and well-established talented artists to mentor the learners under the SPCA;
- (d) Provide guidance on the career path of the SPCA learners through the conduct of programs and activities apprising the learners of the opportunities, including those in higher education, and the state of the various creative industries;
- (e) Urge higher education institutions to offer programs for scholarships and grants in creative arts courses, and inform the schools with SPCA of such programs;
- (f) Encourage various creative industries to employ graduates of the SPCA through information campaigns and different programs that shall showcase their talents and abilities;
- (g) Maintain a pool of instructors composed of experts in various creative arts domains who are willing to teach the SPCA learners and assign them to various schools with SPCA;
- (h) Call on the local government units (LGUs), their respective local school boards and other agencies, especially where the schools with SPCA are located, for assistance, coordination and collaboration for alignment, synchronicity, and complementarity of plans, resources and efforts of the schools and the pertinent LGUs; and
- (i) Other duties and functions that may be necessary or incidental for the effective implementation of this Act.

1 **SEC. 6. *Roles of Government Agencies.*** – To achieve the objectives of this Act, the
2 following government agencies shall carry out their respective roles:

3
4 (a) DepEd – The DepEd shall formulate the academic curriculum to ensure that learners
5 under the SPCA possess the knowledge and competencies that can lead to a successful
6 professional career and to be eligible for higher education in the event that graduates
7 choose the pathway. It shall set the standards in the selection or qualification of
8 schools with SPCA, and shall appoint and designate the qualified instructors who shall
9 train the learners in accordance with the curriculum set by the NCCA and the CCP.

10
11 (b) NCCA and CCP – The NCCA and the CCP shall formulate the creative arts
12 curriculum for the SPCA to train the learners and hone their skills and abilities to
13 achieve their full potential. They shall provide the qualifications of instructors for the
14 effective implementation of this Act.

15
16 (c) DTI, CECP, and PCIDC – The DTI, CECP, and PCIDC shall advocate for the
17 employment of SPCA graduates by linking the schools with SPCA with different
18 creative industries for work immersion and eventual job posts. They shall further
19 conduct programs and activities in schools with SPCA to inform the learners of the
20 current and future trends they may engage in for their careers in creative arts.

21
22 (d) CHED – The CHED shall promote the further studies of SPCA graduates by
23 constantly ensuring that its policies, standards, and guidelines for college courses in
24 creative arts are responsive to the current and future trends and urging higher
25 education institutions to provide scholarships and grants.

26
27 **SEC. 7. *Partnerships with the Private Sector.*** – The DepEd and the schools with
28 SPCA may enter into agreements with the private sector for the training and development of
29 the skills and talents of its SPCA learners.

30
31 **SEC. 8. *Hiring of Special Instructors for SPCA.*** – Notwithstanding the relevant
32 provisions of Republic Act No. 7836, as amended by Republic Act No. 9293, otherwise known
33 as the “Philippine Teachers Professionalization Act of 1994”, the DepEd shall hire and retain
34 experts in the various creative arts domains, without the additional requirements of completing

1 teaching units and passing the board exam for teachers, to teach the pertinent subjects in the
2 curriculum: *Provided*, That they shall teach only the subjects of their expertise: *Provided*,
3 further, That they satisfy the qualification standards set by the DepEd, NCCA and CCP:
4 *Provided*, finally, That they shall receive salaries and benefits befitting their status,
5 distinctions, and achievements.

6
7 **SEC. 9. *Tax Exemptions.*** – The importation of equipment relating to creative industry,
8 books, art related supplies, musical instruments, materials and goods, including those donated
9 to the SPCA shall, upon certification by the DepEd be exempt from customs duties in
10 accordance with the provisions of Republic Act No. 10863, otherwise known as the “Customs
11 Modernization and Tariff Act (CMTA)”: *Provided*, That these are of international standards
12 and are not available from local manufacturers: *Provided*, further, That the importation shall
13 only be in such numbers as may be required in the development programs and/or training of
14 the students: *Provided*, finally, That all importations shall be made in the name of SPCA as
15 recipient and shall be immediately registered in the name of SPCA.

16
17 **SEC. 10. *Tax Exemption on Donations.*** – All grants, bequests, endowments,
18 donations and contributions made to the SPCA, to be used actually, directly and exclusively by
19 the SPCA shall be exempt from donor’s tax and the same shall be considered as allowable
20 deduction from gross income for purposes of computing the taxable income of the donor in
21 accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

22
23 **SEC. 11. *Appropriations.*** – The Secretary of the DepEd shall include in the
24 Department’s program the implementation of this Act, the funding of which shall be included
25 in the annual General Appropriations Act.

26
27 **SEC. 12. *Implementing Rules and Regulations.*** – The DepEd shall, in consultation
28 with the NCCA, CCP, DTI, CHED, PCIDC, and CECP, promulgate not later than thirty (30)
29 days upon the effectivity of this Act, the rules and regulations for its effective implementation:
30 *Provided*, That the failure to promulgate the rules and regulations shall not prevent the
31 implementation of this Act upon its effectivity.

1 **SEC. 13. *Separability Clause.*** – If any provision of this Act is held invalid or
2 unconstitutional, the other provisions not so declared shall remain in force and effect.

3
4 **SEC. 14. *Repealing Clause.*** – All laws, decrees, orders, and rules and regulations
5 contrary to or inconsistent with the provisions of this Act are hereby repealed or amended
6 accordingly.

7
8 **SEC. 15. *Effectivity.*** – Notwithstanding the non-issuance of the implementing rules and
9 regulations, this Act shall take effect fifteen (15) days after its publication in the Official
10 Gazette or in a newspaper of general circulation.

11
12 *Approved,*