



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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 9083



Introduced by Representative LORDAN G. SUAN

EXPLANATORY NOTE

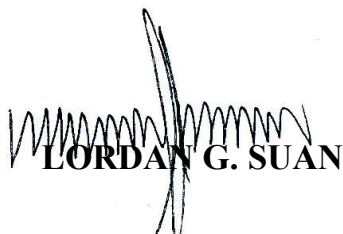
The Optical Media Board served the purpose for which it was created. It was at the helm of regulating the production and replication of information, sounds, and images stored on optical media. It led raids and acted as a complainant in the prosecution of individuals and syndicates operating in violation of the law. Importantly, it protected the works and rights of our people in the creative industry.

Today, the OMB has lost its relevance and effectiveness. It is stuck in a world totally different from our present reality. With the rapid and constant evolution of technology, the exhibition, production, and replication of intellectual and creative works have gone beyond institutional control. They become easily accessible to anyone and can be transferred in seconds, with total disregard for the rights of authors, artists, and producers.

We have reached the point where we need to abolish OMB and give it a new life within a different institution.

This measure will transfer the powers, functions, and assets of the OMB to the Intellectual Property Office of the Philippines. Its personnel will also be transferred upon evaluation of skills and experience or under the existing civil service law.

Given the foregoing, the immediate passage of this bill is earnestly sought.


LORDAN G. SUAN



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AN ACT
ABOLISHING THE OPTICAL MEDIA BOARD, REPEALING FOR THIS
PURPOSE REPUBLIC ACT 9239, OTHERWISE KNOWN AS THE “OPTICAL
MEDIA ACT OF 2003,” TRANSFERRING ITS POWERS, FUNCTIONS,
ASSETS, AND PERSONNEL TO THE INTELLECTUAL PROPERTY OFFICE
OF THE PHILIPPINES, AND FOR OTHER PURPOSES

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

1 **SECTION 1.** – *Abolition of the Optical Media Board and Repeal of Republic Act*
2 9239 - The Optical Media Board (OMB) is hereby abolished, and Republic Act 9239,
3 otherwise known as the “Optical Media Board of 2003”, is hereby repealed.

4 **SECTION 2.** – *Transfer of Powers and Functions.*—The following powers and
5 functions of the OMB under Republic Act 9239 are hereby transferred to the Intellectual
6 Property Office of the Philippines (IPOPHL):

- 7 a.) Regulate, grant and renew licenses, and conduct inspections of establishments or
8 entities engaged in the manufacture, reproduction, and distribution of copyrighted
9 works in physical or digital format.
10 b.) Hear and resolve administrative cases, impose sanctions, fines, or penalties on
11 violators.
12 c.) Levy license fees.
13 d.) Maintain a database of establishments or entities that manufacture, reproduce, and
14 distribute copyrighted works in physical or digital format.

1 The IPOPHL shall subsume these powers and functions under one or several of its existing
2 bureaus.

3 **SECTION 3. *Transfer of Assets.*** – All funds, equipment, properties, records, and
4 other assets of the OMB are hereby transferred to the IPOPHL. Provided that IPOPHL shall
5 be subrogated to all the rights and shall assume all obligations and liabilities related thereto.

6 **SECTION 4. *Transfer of Personnel.*** – Personnel affected by the abolition of the
7 OMB are hereby transferred to the IPOPHL, subject to the civil service law or upon
8 evaluation of skills and professional qualifications.

9 **SECTION 5. *Separation and Retirement from Service.*** – Personnel who are separated
10 from service as a result of the abolition under the provisions of this Act shall receive
11 separation benefits to which they may be entitled under existing law. Provided that those who
12 are qualified to retire under existing retirement laws shall be allowed to retire and receive
13 retirement benefits in accordance with applicable laws and issuances.

14 **SECTION 6. *Appropriations.*** – The amount necessary for the implementation of this
15 Act shall be sourced from the existing appropriations of the OMB. Thereafter, the amount
16 needed shall be included in the IPOPHL budget under the General Appropriations Act.

17 **SECTION 7. *Implementing Rules and Regulations.*** – Within thirty (30) days from the
18 effectivity of this Act, the IPOPHL Department of Trade and Industry (DTI) and Department
19 of Budget and Management (DBM) shall formulate the necessary rules and regulations for
20 the effective implementation of this Act.

21 **SECTION 8. *Separability Clause.*** – If any provision of this Act is declared invalid or
22 unconstitutional, the provisions not hereby affected shall remain in full force and effect.

24 **SECTION 9. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or
25 parts thereof, inconsistent with or contrary to the provisions of this Act are repealed, amended
26 or modified accordingly.

28 **SECTION 10. *Effectivity.*** – This Act shall take effect fifteen (15) days from the date
29 of its publication in the Official Gazette, or a website provided for by law.

Approved,