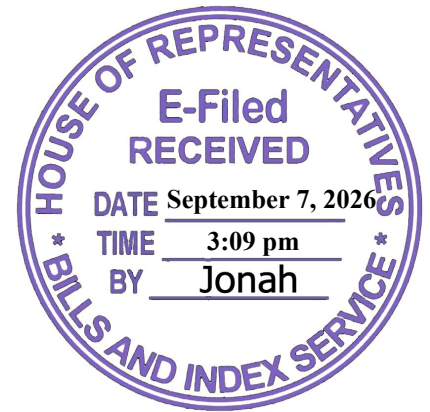


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

House Bill No. 11144



INTRODUCED BY REP. PATRICK MICHAEL “PM” D. VARGAS

AN ACT
PROVIDING FOR THE REVITALIZATION AND ADVANCEMENT OF
ORIGINAL FILIPINO MUSIC AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Filipino musicians and artists are world-class. Our country has produced countless artists to sing and perform abroad. Our *kababayans* have dominated the stage overseas, and we have seen the likes of Lea Salonga, Arnel Pineda, Apl.De.Ap., and Freddie Aguilar, whose song “Anak” became an international hit and was translated into 26 languages.

It is undeniable that the Philippines is teeming with top-notch talent. However, many radio and television stations allot more of their airtime to foreign music rather than their local counterparts. Presently, Executive Order No. 225, which was issued on 25 July 1987, mandates all radio stations to “broadcast a minimum of four (4) original Filipino musical compositions in every clock hour of a program with a musical format.” However, the said law lacks strength as it merely imposes a fine in the amount of Php100.00 per violation.

This bill seeks to mandate all radio stations and TV stations devoted to broadcasting music within the country to allot a sizeable amount of airtime for Original Pilipino Music or OPM. Through this, we are providing our OPM artists a wider platform, giving them the opportunity to showcase and offer their gifts to their countrymen and eventually, the world.

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


REP. PATRICK MICHAEL “PM” D. VARGAS
Fifth District, Quezon City

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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 “*OPM Revitalization and Advancement Act*.”

SECTION 2. Declaration of Policies and Objectives. –Pursuant to Article XIV, Section 14 of the 1987 Constitution, it is the duty of the State to foster the preservation, enrichment, and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression.

Consistent with these constitutional principles, the following are the declared principles of this Act:

- (a) To recognize the world-class talent of the Filipino musician or artist;
- (b) To give full support to the development and improvement of the Filipino music industry;
- (c) To motivate and encourage Filipino musicians or artists to pursue and do their chosen craft; and
- (d) To cultivate the spirit of patriotism and nationalism of the citizenry.

In accordance with those policies, this Act aims to:

- i. Adopt a measure whereby the constitution of Filipino musicians or artists is maximized;
- ii. Establish a mechanism whereby our Filipino musicians or artists are given ample opportunity to showcase their talent; and
- iii. Ensure the full development of the Filipino music industry.

SECTION 3. Definition of terms. – For purposes of this Act, these terms are defined as follows:

- a. *“Original Filipino Music (OPM)”* shall refer to any of the following:
 - i. A musical composition the lyrics of which are in Tagalog, in any Filipino dialect, or in any foreign language and originally composed, adapted, arranged, or translated by a Filipino musician or artist;
 - ii. A musical composition the lyrics of which are in Tagalog, in any Filipino dialect, or in any foreign language and performed by a Filipino musician or artist;
 - iii. A musical composition purely in instrumental form and originally composed, adapted, or arranged by a Filipino musician or artist;
 - iv. A musical composition purely in instrumental form and performed by a Filipino musician or artist.
- b. *“Filipino musician or artist”* shall mean any of the following:
 - i. Any individual composer, musician, or performer who is qualified as a Filipino citizen under the Philippine Constitution or Republic Act No. 9225, otherwise known as the Citizenship Retention and Re-acquisition Act of 2003;
 - ii. Any individual composer, musician, or performer who is not qualified as a Filipino citizen under the foregoing, provided, however, that he or she has Filipino lineage and is publicly known to have genuinely accepted his or her Filipino lineage and culture;
 - iii. A musical duet or group in which at least one of its members qualifies under the foregoing.
- c. *“Radio Station”* – a broadcasting organization conferred by competent public authority with a franchise or license to publicly transmit audio content using the Amplitude Modulation (AM) band or Frequency Modulation (FM) band within the Philippines. The term shall include a broadcast organization not so conferred with such franchise or license but continues to publicly transmit from within the Philippines the said audio content using the AM band or FM band.
- d. *“Television (TV) Station”* – a broadcasting organization by competent public authority given a franchise or license to publicly transmit audio and/or video content using television transmission within the Philippines. The term shall include a broadcast organization not so conferred with such franchise or license but continues to publicly transmit from within the Philippines the said audio and/or video content using television, satellite, or cable transmission.
- e. *“Broadcast”* – wire or wireless transmission of sounds, images, or video to the general public.

- f. “*Music Video*” – a videotape performance of a recorded song or live performance of a musical artist, usually accompanied by dancing and/or visual images interpreting the lyrics.
- g. “*Substantial*” – means more than thirty (30) minutes per clock hour.

SECTION 4. *Obligations of radio stations.* – Radio stations utilizing the AM or FM band shall have the following obligations:

- a. Within the hours of six (6) o’clock in the morning and six (6) o’clock in the evening, radio stations shall play and broadcast at least ten (10) OPM songs for every clock hour of broadcast, in case a radio program has a format that is substantially devoted to playing music.
- b. Within the hours of six (6) o’clock in the morning and six (6) o’clock in the evening, radio stations shall play and broadcast at least four (4) OPM songs for every clock hour of broadcast, in case a radio program has a format that is substantially devoted to dialogue, discourse, or any other content not involving the playing of music and the remaining minutes within the clock hour are entirely devoted to playing music.

SECTION 5. *Obligations of TV stations.* – TV stations shall have the following obligations:

- a. Within the hours of six (6) o’clock in the morning and six (6) o’clock in the evening, TV stations shall play and broadcast at least ten (10) OPM songs for every clock hour of broadcast, in case a TV program has a format that is substantially devoted to playing music.
- b. Within the hours of six (6) o’clock in the morning and six (6) o’clock in the evening, TV stations shall play and broadcast at least four (4) OPM songs for every clock hour of broadcast, in case a TV program has a format that is substantially devoted to dialogue, discourse, or any other content not involving the playing of music and the remaining minutes within the clock hour are entirely devoted to playing music.

SECTION 6. To ensure equal opportunities for all Filipino musicians or artists and to provide meaningful promotion and widespread exposure of their musical talents, the playing and broadcasting of OPM songs or music videos shall be in the following manner:

- a. A particular OPM song or music video containing an OPM song shall not be played and broadcast more than once within the same clock hour; and

- b. A particular OPM song or music video containing an OPM song shall not be played and broadcast more than three (3) times within the hours of six (6) o'clock in the morning and six (6) o'clock in the evening.
- c. The aforementioned radio programs must ensure that at least a quarter of their playlist shall include OPM songs by artists from outside the National Capital Region.
- d. The aforementioned TV programs must ensure that at least a quarter of their playlist shall include music videos containing OPM songs by artists from outside the National Capital Region.

SECTION 7. *Exception.* – Section 4 and 5 of this Act shall not apply when the radio station or TV station program substantially devotes its broadcast within the clock hour to a live event that is of national or local significance or is sanctioned by the Philippine government.

SECTION 8. *Punishable Acts.* – Consistent with the basic policy of this law, the following acts shall be punished:

- a. Performing an act in contravention of Sections 4,5, and 6 of this law by any person or any employee or officer of the radio or TV station;
- b. Demanding or receiving, personally or through the mediation of another, money, goods, services and/or any other form of consideration by any employee or officer of the radio or TV station from any person in exchange for any act constituting a violation of this law;
- c. Making offers of or promises or giving the considerations as described in the preceding subsection (b) by any person, personally or through the mediation of another, to any employee or officer of the Radio or TV station in exchange for any act constituting a violation of this law.

SECTION 9. *Penalties.* – Any person who violates any provision of this Act shall suffer the following penalties:

- a. For the first violation, imprisonment of not less than two (2) years but not more than five (5) years and a fine of not less than Fifty Thousand Pesos (Php50,000.00) but not exceeding Two Hundred Thousand Pesos (Php200,000.00); and
- b. For any subsequent violation, imprisonment of not less than five (5) years but not more than nine (9) years and a fine of not less than Two Hundred Thousand Pesos (Php200,000.00) but not exceeding Five Hundred Thousand Pesos (Php500,000.00).

- c. In all cases, subsidiary imprisonment in cases of insolvency.

If the offender is a corporation, partnership, organization, or any similar entity, the officials thereof directly involved, such as the president, general manager, managing partner, or such other officer charged with the management of the business affairs, shall be liable therefor.

If the offender is an alien or a foreigner, he/she shall be deported immediately after service of sentence.

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

SECTION 10. *Strengthening the National Telecommunication Commission.* – The National Telecommunication Commission (NTC) shall have the following additional powers and functions:

- a. Conduct a nationwide information dissemination and campaign on the promotion of this Act;
- b. Monitor the adoption of the policies of this Act by all radio stations and TV stations within the Philippines;
- c. Assist private complainants in the prosecution of offenses in violation of this Act;
- d. Cancel, revoke, or suspend the license or similar privileges of the employee or officer of the radio or TV station punished under this Act, upon due notice and hearing;
- e. Cancel, revoke, or suspend the license or similar legal privileges of the radio or TV station employing such employee or officer referred to in the previous subsection, upon due notice and hearing; and
- f. Coordinate with appropriate offices and other agencies or instrumentalities and non-governmental organizations for any assistance it may require in the performance of its functions.

SECTION 11. *Strengthening the National Committee on Music.* – The National Committee on Music under the National Commission for Culture and the Arts (NCCA) shall have the following additional powers and functions:

- a. Conduct a nationwide information dissemination and campaign on the promotion of this Act;

- b. Monitor the adoption of the policies of this Act by all radio stations and TV stations within the Philippines;
- c. Assist private complainants in the prosecution of offenses in violation this Act;
- d. Coordinate with the NTC, appropriate offices and other agencies or instrumentalities and non-governmental Organizations for any assistance it may require in the performance of its functions.

SECTION 12. *Implementing Rules and Regulations.* – Within 90 days from the effectivity of this Act, the National Telecommunication Commission (NTC) and the National Commission for Culture and the Arts (NCAA) shall formulate and adopt rules and regulations to carry out the objectives of this Act, in consultation with the Department of Justice (DOJ), Intellectual Property Office (IPO), and Movie and Television Review and Classification Board (MTRCB).

SECTION 13. *Separability Clause.* – If any section or part of this Act is declared unconstitutional or invalid, such declaration shall not invalidate other parts hereof which shall remain in full force and effect.

SECTION 14. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations or any part thereof inconsistent with the provisions of this Act are deemed repealed.

SECTION 15. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,