

[REPUBLIC ACT NO. 9470, May 21, 2007]

AN ACT TO STRENGTHEN THE SYSTEM OF MANAGEMENT AND ADMINISTRATION OF ARCHIVAL RECORDS, ESTABLISHING FOR THE PURPOSE THE NATIONAL ARCHIVES OF THE PHILIPPINES, AND FOR OTHER PURPOSES

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Short Title.* — This Act shall be known as the "National Archives of the Philippines Act of 2007".

SEC. 2. *Declaration of Policy.* — It is the policy of the State to protect, conserve, promote and popularize the nation's historical and cultural heritage and resources.

The State shall pursue, conserve and promote the Filipino cultural heritage and resources including the documentary records of Filipino culture, history and governance.

The State shall give utmost priority for the safeguard, protection and preservation of its public documents and records, not only as fundamental instruments for efficient and effective governance but also as essential tools for the preservation of the country's history and cultural memory.

Towards this end, all public records with enduring value, held by government offices, including, but not limited to, all branches of government, constitutional offices, local government units (LGUs), government-owned and -controlled corporations (GOCCs), state universities and colleges, Philippine embassies, consulates and other Philippine offices abroad shall be transferred to a permanent government repository for proper management, control and regulation of record disposition.

SEC. 3. *Scope.* — This Act shall cover all public records with archival value, held by either government offices or private collections, and shall also cover archival and records management programs and activities in all branches of government, whether national or local, constitutional offices, GOCCs, government financial institutions, state universities and colleges, Philippine embassies, consulates and other Philippine offices abroad.

SEC. 4. *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 the LGU, such as the chief executive elected under the Local Government Code of 1991.

(b) "Approved repository" refers to a repository to be established by the President, which is provided under this Act.

(c) "Archives" shall refer to:

1. Public records, papers, periodicals, books or other items, articles or materials, whether in the form of electronic, audio-visual or print, which by their nature and characteristics have enduring value, that have been selected for permanent preservation;
2. The place (building/room/storage area) where archival materials are kept and preserved; and
3. An organization (or part of an organization) whose main function is to select, collect and preserve archival records and make such records available for public use.

(d) "Controlling government agency" shall refer to:

1. Public office that controls the public records;
2. Public office that has the power to determine the conditions of access to the public archives; and
3. Any successor of a public office that is abolished, merged or reorganized.

(e) "Controlling local government" shall refer to:

1. The LGU that has custody and control over the local government records; and
2. Any successor to the LGU that is abolished, merged or reorganized.

(f) "Executive Director" refers to the head of the National Archives of the Philippines.

(g) "Disposal" refers to the act of selling, burning or any other way of discarding valueless records in accordance with the provisions of this Act.

(h) "Disposition" refers to the systematic sorting out 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.

(i) "Estray record" refers to a public record that is no longer under the custody and control of the National Archives or a controlling government office.

(j) "Government office" refers to any public office, department, bureau, agencies and instrumentality, whether belonging to the national government or an LGU.

(k) "Judicial records" refers to records presented to, or belonging to the Supreme Court including all the judicial courts and judicial organizations under its jurisdiction.

(l) "Legislative records" refers to records presented to, or belonging to the Philippine Senate and the House of Representatives or any of its committees.

(m) "Local government archives" refers to local government records that have been collected by the controlling LGU that served as historical evidences in the performance of its duties.

(n) "Local government records" refers to records in any form, in whole or in part, created or received, whether before or after the effectivity of this Act, by an LGU in the conduct of its affairs.

(o) "National Archives" refers to the National Archives of the Philippines, which is established and strengthened under this Act.

(p) "Open access records" refers to:

1. Public records that have been in existence for at least thirty (30) years or have been transferred under the custody and control of the executive director, and that are classified as open access records as referred to in Section 30 and to which public access have not been prohibited, under Section 31 of this Act; and
2. Local government archives that are no longer in use, or have been in existence for at least thirty (30) years and are classified as open access records referred under Section 32, and to which public access have not been prohibited, under Section 33 of this Act.

(q) "President" refers to the President of the Republic of the Philippines.

(r) "President's papers" refers to records created or received, whether before or after the effectivity of this Act, by a President while holding office as a President of the Philippines.

(s) "Protected record" refers to local government records containing data that are important from economic, social, political, legal, national security, scientific, cultural, technological or other aspects, which are indispensable for the research of historical past, for becoming acquainted with and understanding it, and/or for the continuous fulfillment of public

duties and the realization of citizens' rights, which are not or only partially available from other sources.

(t) "Public access registry" refers to public access register containing prohibition and restriction on the unauthorized disclosure and access of information in any public records.

(u) "Private archives" refers to records belonging to private individuals and/or entities which are of enduring archives value.

(v) "Public archives" refers to public records that are under the custody and control of the executive director.

(w) "Public records" refers to record or classes of records, in any form, in whole or in part, created or received, whether before or after the effectivity of this Act, by a government agency in the conduct of its affairs, and have been retained by that government agency or its successors as evidence or because of the information contained therein.

(x) "Records" refers to information, whether in its original form or otherwise, including documents, signatures, seals, texts, images, sounds, speeches, or data compiled, recorded, or stored, as the case may be:

1. In written form on any material;
2. On film, negative, tape or other medium so as to be capable of being reproduced; or
3. By means of any recording device or process, computer or other electronic device or process.

(y) "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 National Archives.

(z) "Records management" refers to the managerial activities involved with respect to records creation, records maintenance and use, transmission, retention and records disposition in order to achieve adequate and proper documentation of policies and transactions of government for its efficient, effective and economical operation.

(aa) "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 executive director that requires such public records to be withheld from public access.

(bb) "Standards" refers to the circulars and orders issued by the executive director pursuant to the provisions of this Act.

(cc) "Vital records" refers to records containing information essential for: emergency operation during a disaster; the resumption and/or continuation of operations; the re-establishment of the legal, financial

and/or functional status of the organization; and the determination of the rights and obligations of individuals and corporate bodies with respect to the organization.

ARTICLE II

PURPOSE, OTHER PRELIMINARY PROVISIONS, AND KEY ADMINISTRATIVE PROVISIONS

SEC. 5. *Objectives.* — This Act is primarily aimed at:

- a. Strengthening the existing system of management and administration of government archival records;
- b. Defining the role of the executive director in developing and supporting government records keeping, including independent determinations on the disposal of public records and certain local government archives;
- c. Mandating government accountability in ensuring that full and accurate records of the affairs of national government and the LGUs are maintained and preserved;
- d. Enhancing public confidence in the integrity of public records keeping and management;
- e. Ensuring the accessibility of public records that are relevant to the promotion and preservation of Philippine cultural heritage; and
- f. Supporting the safekeeping of private records.

SEC. 6. *Establishment, Mandate and Functions.* —

- a. There is hereby established a National Archives of the Philippines where public archives shall be stored, preserved, conserved and made available to the public. The National Archives of the Philippines shall be attached to the National Commission for Culture and the Arts (NCCA) for budgetary purposes.
- b. The National Archives of the Philippines shall be primarily responsible for the implementation of 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.
- c. The National Archives of the Philippines shall have the following functions:
 1. Conduct archival researches using archival materials here and abroad and cause the publication and dissemination of valuable archival information subject to the open access provisions of this Act and other existing laws;
 2. Facilitate the acquisition of a permanent and suitable building for the National Archives to house the country's archival holdings and public records;