

[NCCA, June 02, 1992]

**IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT
NO. 7356 KNOWN AS THE LAW CREATING THE NATIONAL
COMMISSION FOR CULTURE AND THE ARTS**

**Article I
General Provisions**

1.0 *Legal Basis and Purpose* — Pursuant to Republic Act No. 7356 entitled "An Act Creating the National Commission for Culture and the Arts, establishing a National Endowment Fund for Culture and the Arts, and for Other Purposes," these implementing rules and regulations are issued to ensure the smooth, orderly, speedy, and effective implementation of the law.

1.1 *Coverage, Application and Scope* — These implementing rules and regulations shall be implemented and complied with by the National Commission for Culture and the Arts, hereinafter referred to as the Commission, and by the attached cultural agencies.

1.2 *Declaration of Policy*. It is hereby declared the policy of the State to place culture and arts under its patronage to be conserved, promoted and disseminated, evolved and developed by the people themselves in a climate of freedom and responsibility. Towards this end, the State shall forge a system of coordination, cooperation, and support among the citizenry, artists, and cultural workers, public and private cultural agencies, and all units created under the Act.

**Article 2
National Commission for Culture and the Arts**

2.0 *The Commission* — The Commission is created to

- (a) formulate policies for the development of culture and arts;
- (b) implement these policies in coordination with affiliated cultural agencies;
- (c) coordinate the implementation of programs of these affiliated agencies;
- (d) administer the National Endowment Fund for Culture and the Arts;
- (e) encourage artistic creation within a climate of artistic freedom;
- (f) develop and promote the Filipino national culture and arts;

(g) preserve Filipino cultural heritage; and

(h) enhance and integrate traditional culture and their creative expressions within the national cultural mainstream.

The Commission is an independent agency and renders an annual report of its activities to the President and to Congress. (Section 8)

2.1 *Composition of the Commission* — The Commission shall be composed of fifteen (15) members who shall be known as the NCAA Board of Commissioners. (Section 9)

a. The *ex officio* members of the Commission shall be the following:

1. the Undersecretary of the Department of Education, Culture and Sports;
2. the Undersecretary of the Department of Tourism;
3. the Chairman of the House Committee on Culture;
4. the Chairman of the Senate Committee on Culture;
5. the President of the Cultural Center of the Philippines;
6. the Executive Director of the National Historical Institute;
7. the Director of the National Museum;
8. the Director of National Library;
9. the Director of the Institute of Philippine Languages, now the Chairman of the Commission on the Filipino Language;
10. the Director of the Records Management and Archives Office
11. the Executive Director of the Commission.

b. The non-*ex officio* members of the Commission shall be the Heads of the following Subcommissions;

12. Subcommission on Cultural Communities and Traditional Arts
13. Subcommission on Cultural Heritage
14. Subcommission on the Arts
15. Subcommission on Cultural Dissemination.

The Heads shall be elected by the chairpersons of the National Committees under their respective Subcommissions. The Heads of the Subcommissions on Cultural Heritage, the Arts and Cultural Dissemination shall come from the private sector, while the head of the Subcommission on Cultural Communities may preferably come from the private sector.

The Chairman of the Commission shall be elected by the members from among themselves.

2.2 Term of Office —

- a. Non-*ex officio* members (Section 10) shall serve for a term of three (3) years and shall not serve for more than two terms.
- b. *Ex officio* members shall be coterminous with their positions;
- c. The elected chairman shall be coterminous with his/her term of office.

2.3 Temporary Incapacity of the Chairman — An Acting Chairman shall be elected by the Commission in case of absence due to temporary incapacity of the Chairman. In case of death or permanent incapacity or disqualification of the Chairman, the Acting Chairman shall act as such until a new Chairman shall have been elected by the members of the Commission.

2.4 Removal from Office — The members of the Commission may only be removed from office for a just cause. All vacancies in the Commission, except through expiration of term, shall be filled up for the unexpired term only; Provided, that any person who shall be appointed in this case shall be eligible for regular appointment for another full term.

2.5 Membership Restrictions — During his/her term as member of the Commission, a Commissioner shall not be eligible for any grant, or such other financial aid from the Commission as an individual. However, he/she may compete for grants and awards on the same level as other artists one (1) year after his/her term shall have expired. (Section 11).

2.6 Per Diems — The non-*ex officio* members shall receive a per diem of one thousand pesos (P1,000) for actual attendance in the meetings of the Commissioners but not to exceed five thousand pesos (P5,000) a month and shall be reimbursed travel expenses incurred for actual attendance of the meetings.

Ex officio members shall receive representation and travel allowances (RATA) in accordance with rates recommended by the Department of Budget and Management. (Section 10)

2.7 The Commission shall recommend three (3) names to the President for vacancies for the position of Director of a Cultural Agency.

2.8 All recommendees to the Assistant Director position shall be coursed by the Director of the agency concerned through the Commission for submission and approval by the Office of the President.

Article 3
Meeting of the Commission

3.0 Regular Meetings — The Commission shall meet every first (1st) Tuesday of each month at 12:00 noon.

3.1 *Special Meetings* — The Special meeting of the Commission can be called by the Commission Secretary at the request of the Chairman or any member of the Commission.

3.2 *Place of Meeting* — The Commission meeting, whether regular or special, shall be held at the head office of the Commission or at any place designated by the Board of Commissioners.

3.3 *Notice of Special Meetings* — Notices for special meetings shall be made by the Commission Secretary at least two (2) days prior to the date of the meeting.

3.4 *Quorum* — Unless otherwise provided by law, in all regular or special meetings, a majority of the members of the Commission must be present or represented in order to constitute a quorum. In case of lack of quorum, all matters resolved in said meeting shall be ratified in the next regular meeting or in a special meeting called to constitute an official act of the Commission.

3.5 The Commission shall constitute an Executive Committee, composed of nine (9) members, to address urgent matters between regular meetings. All cultural agency heads should be members of the EXCOM.

3.6 *Conduct of Meetings* — Meetings of the Commission shall be presided by the Chairman, or in his absence, an acting chairman to be chosen by the members present.

3.7 *Minutes of the Meetings* — The Commission Secretary shall prepare the minutes of the meetings including resolutions, certificates and documentations of matters discussed. The Head of the Legal Affairs Office of the Commission shall act as the Commission Secretary and official custodian of the minutes and resolutions of the Commission's meetings.

Article 4

National Cultural Agencies

4.0 *The National Cultural Agencies* — The Commission shall coordinate with the national cultural agencies including but not limited to the Cultural Center of the Philippines (CCP), the National Museum (NM), including its Natural Science Division and Planetarium the Institute of Philippine Languages (IPL), now the Commission on the Pilipino Language (CFL), the National Historical Institute (NHI), the National Library (TNL), the Records Management and Archives Office (RMAO). However, they shall continue operating under their respective charters as provided by law where provisions therein are not inconsistent with the provisions of this Act. They shall serve as institutions of basic research on culture and national cultural heritage. They shall also serve as the national repositories and/or showcases as the case may be, of the best that Philippine culture and arts can offer. For this purpose, these agencies shall submit periodic reports, including recommendations to the Commission. (Section 18).

4.1 *Power of the Commission* — The Commission shall have administrative supervision over the attached cultural agencies as enumerated above (Section 4.0) based on the following provisions of the Law:

a. Section 8 states that the Commission is "created to formulate policies for development of culture and arts, implement these policies in coordination with affiliated cultural agencies and coordinate the implementation of programs".

b. Section 12 mandates the Commission "to formulate and implement policies in accordance with the principles stated in Title I of this Act."

c. Section 13-C gives the Commission the power to "set up a system of networking and coordination among all existing government cultural agencies for the effective implementation of programs and activities."

d. Section 23-b states that "within a period of one (1) year after the first meeting of the Commission, it shall harmonize the policies of the cultural agencies referred to, but not limited to those enumerated in Section 18 of this Act, with those of the Commission as over-all policy-making and coordinating body, as herein indicated.

e. Section 26 states "All laws, rules, regulations, other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

Article 5

Mandate

5.0 Mandate — The Commission is hereby mandated to formulate and implement policies and plans in accordance with the principles stated in Title I of this Act. (*Section 12*)

a. To encourage the continuing and balanced development of a pluralistic culture (i.e. multi-ethnic) by the people themselves, the Commission shall:

- 1) encourage and ensure the exercise of the freedom of expression by eliminating all forms of censorship inimical to cultural and artistic growth and development without prejudice to the rights of other people to develop their own culture, or to the enhancement of genuinely Filipino, cultural expressions.
- 2) extend financial and economic assistance such as subsidies, artist funds and social security to promote cultural development and to protect artists and cultural workers;
- 3) ensure the decentralization of opportunities throughout the regions for creative expression through the establishment of local culture and art centers in key areas with resources needed for artistic cultural activities;
- 4) extend recognition of artistic achievement through awards, grants, and services to artists and cultural groups which contribute significantly to the Filipino's cultural legacy;
- 5) promote the interests and welfare of artists and cultural workers by protecting their rights to intellectual and artistic properties as well