

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. ~~2448~~

HOUSE OF REPRESENTATIVES	
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REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by REPRESENTATIVE ARTHUR C. YAP

EXPLANATORY NOTE

Artist is a descriptive term applied to a person who engages in an activity deemed to be an art. An artist may also be defined unofficially as "*a person who expresses him - or herself - through a medium*". The word is also used in a qualitative sense of, a person creative in, innovative in, or adept at, an artistic practice. Most often, the term describes those who create within a context of the fine arts or 'high culture', activities such as drawing, painting, sculpture, acting, dancing, writing, filmmaking, new media, photography, and music - people who use imagination, talent, or skill to create works that may be judged to have an aesthetic value.

Article XIV, Section 14 of the 1987 Constitution provides that, "*the State shall 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.*" The State shall consider these rights and principles in the formulation of national plans and policies for the protection of the interest and welfare of Filipino artists.

Notwithstanding such constitutional mandate, our artists - whether engaged in visual or performing arts - have not acquired a professional working status and standardized benefits as those enjoyed by regular workers. They are not afforded medical, disability, retirement, death insurance and housing benefits despite their contributions to the country's cultural development.

In 1980, the United Nations Education Scientific and Cultural Organization (UNESCO) adopted the Recommendations concerning the Status of Artists which aim to strengthen policies and measures concerning the professional, social, and economic status of artists, thus enabling them to work, create, and organize successfully in an enabling environment. In

furtherance thereof, the State is submitting this legislation in honor of the countless recognitions and achievements of the Filipino Artists.

It is the duty of the State to enact and implement appropriate policies for the welfare and protection of artists, including members of the indigenous cultural communities.

For the foregoing reasons, the immediate passage of this bill, filed by the undersigned as House Bill No. 6392, is earnestly urged.

A handwritten signature in black ink, appearing to be 'AY', with a long, sweeping horizontal stroke extending to the right.

ARTHUR C. YAP
Representative

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. ~~2443~~

Introduced by REPRESENTATIVE ARTHUR C. YAP

AN ACT
PROVIDING FOR AN ARTISTS' WELFARE
PROTECTION AND INFORMATION ACT', AND
PROVIDING FUNDS FOR THE PURPOSE

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

ARTICLE I

PRELIMINARY PROVISIONS

SECTION 1. Short Title. - This Act shall be known as the "Artists
Welfare Protection and Information Act of 2016."

SECTION 2. Declaration of Policy. - The State shall protect and
promote the rights of an artist to be considered as a person actually engaged
in cultural work and to benefit from all legal, social and economic
advantages pertaining to the status of workers. Pursuant to this, the state
shall:

(a) Improve the social security, labor, medical, and legal conditions of the
artist, whether employed or self-employed, taking into account their
contributions to cultural development, through a system of accreditation;

1 (b) Help create and sustain a culture encouraging freedom of artistic
2 expression and communication, and to facilitate the release of necessary
3 resources in developing the artists' creative talents;

4 (c) Recognize artists as professionals, granting them the corresponding rights
5 and privileges, to enable them to collectively defend their common
6 interests;

7 (d) Protect the artists' sensibilities and material rights over their works or
8 performances, or any other use made of them to confirm their artistic
9 dignity and integrity

10 (e) Provide second/alternative career opportunities to artists who wish to
11 retire from their respective art;

12 (f) Develop means of providing welfare and legal information to artists;

13 **SECTION 3. Coverage.** - This Act applies to all accredited artists, as
14 defined herein, employed and working within the country and those outside
15 of the country who are covered by recruitment programs/contracts and
16 placement offices/agencies.

17 **SECTION 4. Definition of Terms.** – For purposes of this Act, the
18 following shall mean:

19 (a) *Accreditation* - the assessment of an artist or guild based on the
20 Accreditation Requirements as provided herein, for purposes of availing
21 the provisions and benefits provided in this Act.

22 (b) *Accredited Artist* - refers to an artist who is a Filipino, at least 18 years of
23 age, in compliance with the requirements for Accreditation provided in
24 Section 7, or those members of existing arts guilds duly registered and
25 accredited as provided for by law.

1 (c) *Artist* – refers to any person who creates or gives creative expression to,
2 or recreates works of art, who considers his artistic creation to be an
3 essential part of his life, who contributes in this way to the development
4 of art and culture and who is or asks to be recognized as an artist,
5 whether or not he is bound by any relations of employment or
6 association. This includes Indigenous Artists and Cultural Performers.

7 (d) *Collecting Agent/Foreign Collecting Agent* - shall refer to any person,
8 natural or juridical, domestic or foreign including, for purposes of foreign
9 work, manning, placement, and recruitment agencies, who hire and use
10 the services of an artist. The collecting agent shall be responsible for the
11 remittance of contribution of the artist to the SSS/GSIS, PagIBIG, and
12 Philhealth. The contribution shall be automatically deducted from the
13 compensation paid to the artist.

14 (e) *Cultural Performer* - refers to an artist who practice culturally-accepted
15 art forms in their communities, such as composo, zarzuela, and other
16 forms of art not defined herein. It may also refer to an artist who,
17 although not a member of any Indigenous Cultural Community/
18 Indigenous Peoples (ICC/IP) group, has been consented by the latter to
19 use IP clothing and related paraphernalia, artifacts, other cultural symbols
20 and expressions, in accordance with the community standards and
21 attributed meanings.

22 (f) *Indigenous Peoples Artists* - refers to artists who are members of
23 Indigenous Cultural Communities/ Indigenous Peoples groups who
24 themselves are certified by their respective community as bearers of oral

1 traditions, literature, designs, visual, performing arts and other cultural
2 expressions.

3 (g) *Second /Alternative Career-* is any career, as enumerated under
4 SECTION 16 of this Act, which an artist may engage into after leaving
5 their main career due to age, incapacity and other reasons, or any career
6 which an artist may engage into while still active in their major area of
7 specialization due to the latter's seasonal or contractual nature.

8 (h) *Welfare Protection* - shall refer to the government's duty of providing
9 rights and privileges to duly-accredited artists and ensuring the protection
10 of their works and talents to maintain a minimum standard of well-being,
11 specifically providing: PhilHealth, Pag-IBIG, SSS/GSIS, among other
12 benefits.

13 (i) *Welfare Information* - shall refer to the government's duty to provide
14 knowledge awareness and understanding to duly-accredited artists in
15 terms of legal, medical, proprietary, educational, and second
16 careers/alternative careers, among others.

17 ARTICLE II

18 RIGHTS ANDPRIVILEGES

19 **SECTION 5. Benefits.** - An accredited artist shall have the rights and
20 privileges to be provided with PhilHealth, SSS/GSIS, Home Development
21 Mutual Fund (Pag-IBIG), and shall be entitled to all other social security
22 benefits as provided by the pertinent provisions of law.

23 **SECTION 6. Artist Education and Information.** - An accredited
24 artist shall have the rights and privileges of free legal aid and information,

1 medical assistance, hospitalization, and options for Second/Alternative
2 Careers.

3 **SECTION 7. Accreditation Requirements.** - A guideline shall be
4 issued for the purpose of defining an Accredited Artist. The National
5 Commission on Culture and the Arts must issue the guidelines in
6 consultation with the relevant organizations engaged in Literary Arts, Dance,
7 Music, Theater, Film, Architecture, Visual and Design Arts, Arts
8 Management and Production Design, and all other equivalent art
9 forms/disciplines. The presumption shall always be resolved in favor of
10 accreditation.

11 **SECTION 8. Application/Approval Procedure** - Artists shall
12 submit the necessary documents to support their application for
13 Accreditation to the Local Arts Council, or to the Provincial, City, or
14 Municipal Tourism Office or to the duly recognized Arts Guild in which
15 they are members who shall determine the compliance requirements and
16 shall issue a certificate of accreditation based on the accepted/recognized
17 aesthetic sensibility of its artistic community; Provided, the Tourism Office
18 stated herein may require written recommendation from recognized artist in
19 the Local Government Unit prior to approval of accreditation; Provided
20 further, for Indigenous Artists, requirements shall be submitted to and
21 approved by the National Commission for Indigenous Peoples in their
22 Province. The NCCA, through the Artist's Welfare Office as stated in Article
23 V herein, may provide additional procedures/requirements that shall
24 encourage meaningful accreditation of artists and ensure the aesthetic quality
25 and creativity of the various art forms.

1 **ARTICLE III**

2 **SOCIAL SECURITY COVERAGE**

3 **SECTION 9. Social Security Benefits.** - An Accredited Artist shall
4 be covered by the Social Security System (SSS), the Philippine Health
5 Insurance Corporation (PhilHealth), and the Home Development Mutual
6 Fund or Pag-IBIG, and shall be entitled to all the benefits including but not
7 limited to insurance, funeral, burial and financial assistance and scholarships
8 to children, in accordance with the pertinent provisions provided by law.
9 Payment of premiums or contributions shall be shouldered by the
10 employer/principal who shall act as the collecting agent for the artist.

11 **SECTION 10. Payment of Premiums/Contributions** - The payment
12 by the collecting agent, for and in behalf of the accredited artist, shall be
13 based on an annual amount to be determined by the respective agencies
14 stated herein.

15 **SECTION 11. Multiple Payments/Contributions.** - In case of
16 multiple payments/contributions exceeding the annual contribution as stated
17 herein, the excess shall be carried over to the succeeding year.

18 **SECTION 12. Deficiency of Premium/Contribution Payments.** - In
19 case of deficiency of payment, the accredited artist shall pay the
20 deficiency/difference as stated in the category/schedule of payments, to be
21 provided by the SSS/GSIS, PhilHealth, Pag-IBIG, as the case may be.
22 Artists who do not have collecting agents, as provided under Art I SECTION
23 4 (d), shall comply with the provisions of voluntary contribution.

24 **SECTION 13. Category/Schedule of Payment.** - The SSS/GSIS,
25 PhilHealth, Pag-IBIG, and other agencies that shall provide benefits for the

1 artist, shall create a category/schedule of payment for accredited artists in
2 compliance with existing laws.

3 **SECTION 14. Artists Village.** - In coordination with the National
4 Commission on Culture and the Arts, PAG-IBIG and other relevant
5 government offices, a housing community to be known as the Artists Village
6 shall be established. Suitable idle land shall be identified for the purpose.
7 The Artists Village shall be provided to the accredited artists. Existing
8 housing programs for the sectors shall be strengthened, improved and
9 developed using available funds.

10 **ARTICLE IV**

11 **INFORMATION ASSISTANCE - COVERAGE AND PROCEDURE**

12 **SECTION 15. Legal Information/Assistance.** - The accredited artist
13 shall be provided with free legal information through the National
14 Committee on Legal Aid (NCLA) of the Integrated Bar of the Philippines
15 (IBP) for the registration and protection of their intellectual property rights
16 over their literary, artistic works, performances and other works as defined
17 under RA 8293 or the Intellectual Property Code of the Philippines, and
18 other pertinent laws. Accredited Artists as defined by this Act shall be
19 provided with free legal services in criminal, civil, labor, administrative and
20 other quasi-judicial cases by the Public Attorney's Office (PAO) pursuant to
21 the provisions of Republic Act No. 9406.

22 **SECTION 16. Medical and Dental Assistance.** - The accredited
23 artist shall be provided with free medical and dental assistance through the
24 Philippine Medical Association (PMA), Philippine Hospital Association
25 (PHA), and the Philippine Dental Association. An accredited artist, as

defined by this act, shall be provided with free medical and dental services in all government hospitals, aside from the benefits that an accredited artist may avail through the PhilHealth.

SECTION 17. Second/Alternative Careers. - An accredited artist shall be provided with Second/Alternative Careers as enumerated, but not limited to the following:

(a) Mentor to tutorial or remedial art classes integrated with the DepEd and CHED curricula.

(b) Trainee in skills implementation program and ladderized education, as provided by TESDA, in coordination with the NCCA, through the latter's commission-based, community-based or enterprise-based programs, whichever is applicable.

(c) The TESDA, in coordination with the POEA, shall devise systems which will pave the way for the accredited artists to obtain job opportunities from foreign countries.

(d) The POEA and the DFA, in coordination with the NCCA, shall establish mechanisms to ensure the welfare and employment, social security and health benefits of accredited artists working in foreign countries.

SECTION 18. Arts Awareness in the Elementary and High School Curricula. - Arts Appreciation and Awareness and Cultural Understanding shall be part of the curricula in the elementary, high school and K-12 Program. The accredited artists available in a community shall be seconded and shall assist teachers in the school in the art classes and culture subjects.

ARTICLE V

MISCELLANEOUS PROVISIONS

1 **SECTION 19. The Role of the National Commission for Culture**

2 **and the Arts (NCCA).** - The NCCA, as the policy making agency for the
3 Artists Welfare Act, shall create an Artist's Welfare Office which shall serve
4 as the oversight body in compliance with the provisions of this Act.

5 **SECTION 20. Dispute Resolution.** - In cases of disputes arising
6 from the certification/accreditation or disqualification of artists, the NCCA
7 through the Artist's Welfare Office, shall resolve such dispute.

8 **SECTION 21. Payment of Taxes.** - The Bureau of Internal Revenue
9 (BIR) shall provide assistance to artists covered by this Act in their
10 registration and payment of taxes. The BIR shall also ensure that artists will
11 be given authority to print official receipts pursuant to BIR rules and
12 regulations.

13 **SECTION 22. Continuing Studies on Special Privileges for**
14 **Artists.** - The NCCA in coordination with other government offices, arts
15 sector and academic institutions is mandated to conduct studies and
16 researches on the feasibility of granting discount privileges to artists in
17 particular those who are earning below the minimum wage law or those
18 artists whose employment opportunities are intermittent.

19 **SECTION 23. *Separability Clause*** - If any portion or provision of
20 this Act is declared unconstitutional or invalid, the other provisions hereof
21 not affected thereby shall remain valid and effective.

22 **SECTION 24. *Repealing Clause.*** – All laws, presidential decrees,
23 executive orders, rules and regulations, or parts thereof inconsistent with the
24 provisions of this Act, are hereby repealed or modified accordingly.

1 **SECTION 25. *Effectivity Clause.*** - The Act shall take effect fifteen
2 (15) days after its complete publication in the Official Gazette or in at least
3 two (2) newspapers of general circulation.

Approved.