

[REPUBLIC ACT NO. 9167, June 07, 2002]

AN ACT CREATING THE FILM DEVELOPMENT COUNCIL OF THE PHILIPPINES, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. *State Policy.* — Pursuant to the constitutional guarantee on freedom of expression, the State shall promote and support the development and growth of the local film industry as a medium or the upliftment aesthetic, cultural and social values or the better understanding and appreciation of the Filipino identity. To achieve this end, the State shall formulate and implement policies and programs to upgrade the art and craft of film making and encourage the production of films for commercial purposes, intended for public entertainment, that seek to enhance the quality of life, examine the human and social conditions and contribute to the dignity and nobility of the human spirit.

SEC. 2. *Creation of the Film Development Council of the Philippines.* — To carry out the provisions of this Act, there is hereby created a Film Development Council of the Philippines, hereinafter referred to as the Council, under the Office of the President. The Film Development Foundation of the Philippines, Inc. (FDFPI) and the Film Rating Board (FRB), created under Executive Order No. 811, are hereby abolished.

SEC. 3. *Powers and Functions.* — The Council shall have the following powers and functions:

1. To establish and implement a Cinema Evaluation System in accordance with the criteria set forth in this Act;
2. To develop and implement an incentive and reward system for the producers based on merit to encourage the production of quality films;
3. To establish, organize, operate and maintain local and international film festivals, exhibitions and similar activities;
4. To encourage and undertake activities that will promote the growth and development of the local film industry and promote its participation in both domestic and foreign markets;
5. To develop and promote programs to enhance the skills and expertise of Filipino talents necessary for quality film production;
6. To prescribe the procedures for the exercise of its powers and functions as well as the performance of its duties and responsibilities;
7. To determine the Council's organizational structure and staffing pattern and appoint officers and employees of the Council in accordance with Civil Service laws, rules and regulations;
8. To acquire, manage and hold such real and personal property as may be necessary to carry out the purposes and objectives of this Act;

9. To invest funds and other assets in such activities or undertakings that shall directly and indirectly promote development of the film industry, including the production of films, and other terms and conditions as it may deem wise and desirable;
10. To ensure the establishment of a film archive in order to conserve and protect film negatives and/or prints as part of the nation's historical, cultural, and artistic heritage; and
11. To perform such other functions as may be necessary to carry out the provisions of this Act.

SEC. 4. *Composition of the Council.* — The Council shall be composed of a Chairperson and ten (10) members, three (3) of whom shall be regular members, while the other seven (7) members shall be in an ex-officio capacity: *Provided*, That the Chairperson shall be a person of proven administrative proficiency, independence, knowledgeable of the technical and artistic aspects of the film production and fully committed to the promotion and development of Philippine Cinema as art: *Provided, further*, That the Chairperson and the regular members shall be appointed by the President of the Philippines. The seven (7) members who shall be ex-officio members of the Council are the following:

1. The Secretary of the Department of Trade and Industry or his/her duly designated representative;
2. The Secretary of the Department of Education or his/her duly designated representative;
3. The Chairperson of the Film Academy of the Philippines;
4. The President of the Cultural Center of the Philippines;
5. The Commissioner of the Committee on Cinema of the National Commission on Culture and Arts;
6. The President of the League of City Mayors or his/her duly designated representative; and
7. The Chairperson of the Metro Manila Development Authority or his/her duly designated representative.

The three (3) regular members shall be as follows:

1. A representative from the legally constituted filmmakers association;
2. A representative from the legally constituted theater owners association; and
3. A representative from the academe.

SEC. 5. *Term of Office.* — The Chairperson and the three (3) regular member shall hold office for a term of three (3) years unless sooner removed by the President: *Provided*, That they shall be eligible for reappointment after the expiration of their respective terms: *Provided, further*, That no Chairperson or member shall serve for more than two (2) consecutive terms. If the Chairperson or member fails to complete his/her term, the person appointed to fill the vacancy shall serve only for the unexpired portion of the vacated term whom he/she succeeds: *Provided*, finally, That such service of the unexpired portion shall not be counted as a term.

SEC. 6. *Meetings.* — The Council shall meet regularly at least once a month or as often as necessary at the call of the chairperson or a majority of the members. A majority of the members of the Board shall constitute a quorum to do business. The members of the Council shall be entitled to honoraria based on existing government accounting and auditing rules and regulations.

SEC. 7. *The Chairperson.* — The Chairperson shall be the Chief Executive Officer and shall exercise overall administrative supervision to ensure the effective and efficient implementation of the policies laid down by the Council. The Chairperson shall have the same rank and salary of an Undersecretary of a Department as provided for in the Salary Standardization Law.

SEC. 8. *The Executive Director.* — The Chairperson shall be assisted by an Executive Director to be appointed by the Council upon the recommendation of the Chairperson. The Executive Director shall have a salary comparable to that of equivalent rank under the Revised Compensation and Position Classification System and shall be coterminus with the Chairperson unless sooner removed for cause.

SEC. 9. *Functions of the Chairperson.* — The Chairperson shall have the following functions:

1. Execute and administer the policies, plans and programs approved by the Council;
2. Direct and supervise the operations and internal affairs of the Council;
3. Establish the internal organization and administrative procedures of the Council;
4. Recommend to the Council the appointment, transfer or detail, suspension, dismissal for cause of its subordinate officials and employees; and
5. Such other functions which the Council may assign from time to time.

SEC. 10. *Cinema Evaluation Board.* — There is hereby created a Cinema Evaluation Board hereinafter referred to as the "Board" which shall evaluate and grade films submitted to the Council, subject to the following:

1. Composition, Qualifications and Appointment. — The Board shall be composed of a Board Chairperson and thirty (30) members, twenty (20) of whom shall come from the film industry, and the other ten (10) from the arts, academe, business and other sectors. The President shall appoint the members of the Board from among forty (40) nominees submitted by the Council: *Provided*, That the persons appointed to the Board should be knowledgeable of the artistic and technical aspects of film-making and fully committed to the promotion and development of cinematographic art along world-class standards and global marketability.
2. Term of Office. — The Board Chairperson and members shall serve for a term of two (2) years and shall be eligible for reappointment for a second term: *Provided*, That no member shall serve for more than two (2) consecutive terms: *Provided*, further, if any member fails to complete a term, the person appointed to fill the vacancy shall serve only for the unexpired portion of the term of the member whom he/she succeeds, unless re-appointed: *Provided finally*, That such service of the unexpired portion shall not be counted as a term. In the initial appointments, the Board Chairperson and the first fifteen (15) members shall hold office for two (2) years and the next fifteen (15) for one (1) year.
3. Quorum. — The Chairperson or his/her duly-designated representative who is also a Board member, and at least eleven (11) members are needed for the Board to transact business.

4. Honorarium. — A Board member shall receive reasonable honorarium for each film actually evaluated, to be determined by the Council subject to government accounting and auditing rules and regulations.
5. Participation. — No member of the Board shall participate in the grading of a film in which he or she or any member of his or her family or any relative within the fourth degree of consanguinity or affinity shall have financial or any other interest: *Provided further*, That such member shall disclose fully, at the time of his or her inhibition, the nature of his or her interest including actual or potential conflict of interest and the reasons for his or her inhibition.

SEC. 11. *Cinema Evaluation System*. — The Board shall formulate and establish a set of standards and criteria and procedures for the Cinema Evaluation System, subject to the approval of the Council, primarily based on but not limited to the following:

1. Direction — which shall be deemed effective when the film's intentions are made clear and realized through the effective orchestration of all the film's elements;
2. Screenplay — which shall be deemed effective when the film's intentions are made clear by the characterization, dialogue, plot and narrative structure of the material on hand;
3. Cinematography — which shall be deemed effective if it creatively visualizes content through the lighting composition, camera movement and related camera techniques in the manner appropriate for the film's intentions;
4. Editing — which shall be deemed effective if it creatively compresses or expands time, space and movement and arranges images in a manner appropriate to the film's intentions;
5. Production Design — which shall be deemed effective if it successfully creates the time, period, locale, atmosphere and look of the film, and contributes to characterization through the use of sets, costumes, props and make-up in a manner that suits the film's intentions;
6. Music scoring — which shall be deemed effective if the music is used to heighten mood and emotion, help define character, and reinforce rhythm pace in a manner appropriate to the film's intentions;
7. Sound — which shall be deemed effective if dialogue, music, sound effects and silence are reproduced, orchestrated and mixed in proper proportion to suit the film's intentions; and
8. Acting Performances — which shall be deemed effective if the performers play their characters truthfully and honestly in performance style to suit the film's intentions: *Provided*, That in evaluating and grading a film, the Board shall look for excellence in the art and craft of film making in its totality, take into consideration scenes of the film in context, its manner of presentation and culture.

SEC. 12. *Grading of Films*. — The grading of films by the Cinema Evaluation Board shall be subject to the following provisions:

1. Pre-qualification procedures and requirements. — The Council shall prescribe pre-qualification procedures and requirements for application for grading: *Provided*, That only films whose premiere screening shall be held in the Philippines, and those which have not had any previous theatrical release, free