

## EN BANC

[ G.R. No. 189028, July 16, 2013 ]

**NATIONAL ARTIST FOR LITERATURE VIRGILIO ALMARIO, NATIONAL ARTIST FOR LITERATURE BIENVENIDO LUMBERA, NATIONAL ARTIST FOR VISUAL ARTS (PAINTING) BENEDICTO CABRERA, NATIONAL ARTIST FOR VISUAL ARTS (SCULPTURE) NAPOLEON ABUEVA, NATIONAL ARTIST FOR VISUAL ARTS (PAINTING AND SCULPTURE) ARTURO LUZ, NATIONAL ARTIST FOR PRODUCTION DESIGN SALVADOR BERNAL, UNIVERSITY PROFESSOR EMERITUS GEMINO ABAD, DEAN MARVIC M.V.F. LEONEN (UP COLLEGE OF LAW), DEAN DANILO SILVESTRE (UP COLLEGE OF ARCHITECTURE), DEAN ROLAND TOLENTINO (UP COLLEGE OF MASS COMMUNICATION), PROF. JOSE DALISAY, DR. ANTON JUAN, DR. ALEXANDER CORTEZ, DR. JOSE NEIL GARCIA, DR. PEDRO JUN CRUZ REYES, PROF. JOSE CLAUDIO GUERRERO, PROF. MICHAEL M. COROZA, PROF. GERARD LICO, PROF. VERNE DE LA PENA, PROF. MARIAN ABUAN, PROF. THEODORE O. TE, DR. CRISTINA PANTOJA-HIDALGO, PROF. JOSE WENDELL CAPILI, PROF. SIR ANRIAL TIATCO, PROF. NICOLO DEL CASTILLO, PROF. HORACIO DUMANLIG, PROF. DANTON REMOTO, PROF. PRISCELINA PATAJO-LEGASTO, PROF. BELEN CALINGACION, PROF. AMIEL Y. LEONARDIA, PROF. VIM NADERA, PROF. MARILYN CANTA, PROF. CECILIA DELA PAZ, PROF. CHARLSON ONG, PROF. CLOD MARLON YAMBAO, PROF. KENNETH JAMANDRE, PROF. JETHRO JOAQUIN, ATTY. F.D. NICOLAS B. PICHAY, ATTY. ROSE BEATRIX ANGELES, MR. FERNANDO JOSEF, MS. SUSAN S. LARA, MR. ALFRED YUSON, MS. JING PANGANIBAN-MENDOZA, MR. ROMULO BAQUIRAN, JR., MR. CARLJOE JAVIER, MS. REBECCA T. ANONUEVO, MR. JP ANTHONY D. CUNADA, MS. LEAH NAVARRO, MR. MARK MEILLY, MR. VERGEL O. SANTOS, MR. GIL OLEA MENDOZA, MR. EDGAR C. SAMAR, MS. CHRISTINE BELLEN, MR. ANGELO R. LACUESTA, MS. ANNA MARIA KATIGBAK-LACUESTA, MR. LEX LEDESMA, MS. KELLY PERIQUET, MS. CARLA PACIS, MR. J. ALBERT GAMBOA, MR. CESAR EVANGELISTA BUENDIA, MR. PAOLO ALCAZAREN, MR. ALWYN C. JAVIER, MR. RAYMOND MAGNO GARLITOS, MS. GANG BADOY, MR. LESLIE BOCOBO, MS. FRANCES BRETANA, MS. JUDITH TORRES, MS. JANNETTE PINZON, MS. JUNE POTICAR-DALISAY, MS. CAMILLE DE LA ROSA, MR. JAMES LADIORAY, MR. RENATO CONSTANTINO, JR., AND CONCERNED ARTISTS OF THE PHILIPPINES (CAP), PETITIONERS, VS. THE EXECUTIVE SECRETARY, THE SECRETARY OF THE DEPARTMENT OF BUDGET AND MANAGEMENT, THE CULTURAL CENTER OF THE PHILIPPINES, THE NATIONAL COMMISSION ON CULTURE AND THE ARTS, MS. CECILE GUIDOTE-ALVAREZ, MR. CARLO MAGNO JOSE CAPARAS,<sup>[1]</sup> MR. JOSE MORENO, MR. FRANCISCO MAÑOSA,**

**AND ALL PERSONS, PUBLIC AND PRIVATE, ACTING UNDER  
THEIR INSTRUCTIONS, DIRECTION, CONTROL AND  
SUPERVISION IN RELATION TO THE CONFERMENT OF THE  
ORDER OF THE NATIONAL ARTIST AND THE RELEASE OF FUNDS  
IN RELATION TO THE CONFERMENT OF THE HONORS AND  
PRIVILEGES OF THE ORDER OF NATIONAL ARTISTS ON  
RESPONDENTS GUIDOTE-ALVAREZ, CAPARAS, MORENO AND  
MAÑOSA, RESPONDENTS.**

**D E C I S I O N**

**LEONARDO-DE CASTRO, J.:**

Art has traditionally been viewed as the expression of everything that is true, good and beautiful. As such, it is perceived to evoke and produce a spirit of harmony. Art is also considered as a civilizing force, a catalyst of nation-building. The notion of art and artists as privileged expressions of national culture helped shape the grand narratives of the nation and shared symbols of the people. The artist does not simply express his/her own individual inspiration but articulates the deeper aspirations of history and the soul of the people.<sup>[2]</sup> The law recognizes this role and views art as something that “reflects and shapes values, beliefs, aspirations, thereby defining a people’s national identity.”<sup>[3]</sup> If unduly politicized, however, art and artists could stir controversy and may even cause discord, as what happened in this case.

**The Antecedents**

***History of the Order of National Artists***

On April 27, 1972, former President Ferdinand E. Marcos issued Proclamation No. 1001<sup>[4]</sup> and, upon recommendation of the Board of Trustees of the Cultural Center of the Philippines (CCP), created the category of Award and Decoration of National Artist to be awarded to Filipinos who have made distinct contributions to arts and letters. In the same issuance, Fernando Amorsolo was declared as the first National Artist.

On May 15, 1973, Proclamation No. 1144<sup>[5]</sup> was issued. It amended Proclamation No. 1001 “by creating a National Artists Awards Committee” that would “administer the conferment of the category of National Artist” upon deserving Filipino artists. The Committee, composed of members of the Board of Trustees of the CCP, was tasked to “draft the rules to guide its deliberations in the choice of National Artists, to the end that those who have created a body of work in the arts and letters capable of withstanding the test of time will be so recognized.”

The authority of the National Artists Awards Committee to administer the conferment of the National Artist Award was again reiterated in Presidential Decree No. 208<sup>[6]</sup> issued on June 7, 1973.

On April 3, 1992, Republic Act No. 7356, otherwise known as the *Law Creating the National Commission for Culture and the Arts*, was signed into law. It established the National Commission for Culture and the Arts (NCCA) and gave it an extensive

mandate over the development, promotion and preservation of the Filipino national culture and arts and the Filipino cultural heritage. The NCCA was tasked with the following:

*Sec. 8. The Commission.* – A National Commission for Culture and Arts is hereby created to formulate policies for the development of culture and arts; implement these policies in coordination with affiliated cultural agencies; coordinate the implementation of programs of these affiliated agencies; administer the National Endowment Fund for Culture and Arts (NEFCA); encourage artistic creation within a climate of artistic freedom; develop and promote the Filipino national culture and arts; and preserve Filipino cultural heritage. The Commission shall be an independent agency. It shall render an annual report of its activities and achievements to the President and to Congress.

Among the specific mandates of the NCCA under Republic Act No. 7356 is to “extend recognition of artistic achievement through awards, grants and services to artists and cultural groups which contribute significantly to the Filipino’s cultural legacy.”<sup>[7]</sup> In connection with this mandate, the NCCA is vested with the power to “advise the President on matters pertaining to culture and the arts, including the creation of a special decoration or award, for persons who have significantly contributed to the development and promotion of Philippine culture and arts.”<sup>[8]</sup>

As both the CCP Board of Trustees and the NCCA have been mandated by law to promote, develop and protect the Philippine national culture and the arts, and authorized to give awards to deserving Filipino artists, the two bodies decided to team up and jointly administer the National Artists Award.<sup>[9]</sup> Thereafter, they reviewed the guidelines for the nomination, selection and administration of the National Artists Award. Pursuant to their respective powers to draft and promulgate rules, regulations and measures to guide them in their deliberations in the choice of National Artists, the CCP and NCCA adopted the following revised guidelines in September 2007<sup>[10]</sup>:

#### **4. ADMINISTRATION OF THE AWARD**

##### **4.1. The National Commission for Culture and the Arts (NCCA) shall plan, organize and implement the Order of National Artists in coordination with the Cultural Center of the Philippines (CCP).**

- 4.2. It shall enlist the support and cooperation of private sector experts from the various fields of art to ensure that the awards are implemented in a successful and impartial manner.
- 4.3. The National Artist Award Secretariat shall commission art experts to form a Special Research Group who shall verify information submitted on nominees and provide essential data. They shall be selected for their specialization and familiarity with the works and accomplishments of nominated artists.
- 4.4. The Special Research Group shall be composed of ten (10) to twenty (20) members who have expertise in one or

- more fields or disciplines.
- 4.5. The National Artist Award Council of Experts shall be created before or during the nomination period. It is tasked to screen nominees and recommend to the NCCA and CCP Boards the candidates for the Order of National Artists. It shall be composed of highly regarded peers, scholars, (including cultural philosophers and historians), academicians, researchers, art critics, and other knowledgeable individuals. A wider age-range of experts who would have first-hand knowledge of achievements of nominees shall be considered.
  - 4.6. The selection of the members of the National Artist Award Council of Experts shall be based on the following criteria:
    - (a) should have achieved authority, credibility and track record in his field(s) of expertise;
    - (b) should have extensive knowledge in his field(s) and his views on Philippine art and culture must be national in perspective;
    - (c) should be a recognized authority in the study or research of Philippine art and culture;
    - (d) must be willing to devote sufficient time and effort to the work of the Council;
    - (e) must be willing to sign a non-disclosure statement in order to safeguard the confidentiality of the deliberations;
    - (f) must not have been convicted with finality of any crime by a court of justice or dismissed for cause by any organization, whether public or private.
  - 4.7. The National Artist Award Council of Experts shall be composed of a maximum of seven (7) members each of the seven (7) areas/disciplines. **The living National Artists will automatically become members in addition to the forty-nine (49) selected members.** These members will constitute the first deliberation panel and will be invited to evaluate the nominations and materials submitted by the Special Research Group.
  - 4.8. Any member of the Council of Experts who is nominated or related to a nominee up to the fourth degree of consanguinity or affinity shall inhibit himself/herself from the deliberation process. Likewise, any member may decline to participate in the deliberation for any reason or may be removed for just cause upon recommendation to the NCCA Board by at least two thirds (2/3) of the members; in which case, the National Artist Award Secretariat shall again select the replacements for those who decline or resigned until the first deliberation panel is completed.
  - 4.9. The list of nominated members of the National Artist Award Council of Experts shall be reviewed by the National Artist Award Secretariat as needed, for purposes of adding new members or replacements.
  - 4.10. The members of the National Artist Award Council of Experts shall serve for a fixed term of three (3) years.

## **5. CRITERIA FOR SELECTION**

The Order of National Artists shall be given to:

- 5.1 Living artists who are Filipino citizens at the time of nomination, as well as those who died after the establishment of the award in 1972 but were Filipino citizens at the time of their death.
- 5.2 Artists who through the content and form of their works have contributed in building a Filipino sense of nationhood.
- 5.3. Artists who have pioneered in a mode of creative expression or style, thus, earning distinction and making an impact on succeeding generations of artists.
- 5.4. Artists who have created a substantial and significant body of works and/or consistently displayed excellence in the practice of their art form thus enriching artistic expression or style.
- 5.5 Artists who enjoy broad acceptance through:
  - 5.5.1.prestigious national and/or international recognition, such as the Gawad CCP Para sa Sining, CCP Thirteen Artists Award and NCCA Alab ng Haraya
  - 5.5.2.critical acclaim and/or reviews of their works
  - 5.5.3.respect and esteem from peers.

## **6. NOMINATION PROCEDURE**

- 6.1. The National Artist Award Secretariat shall announce the opening of nominations through media releases and letters to qualified organizations.
- 6.2. Candidates may be nominated under one or more of the following categories:
  - 6.2.1.Dance – choreography, direction and/or performance.
  - 6.2.2.Music – composition, direction, and/or performance.
  - 6.2.3.Theater – direction, performance and/or production design.
  - 6.2.4.Visual Arts – painting, sculpture, printmaking, photography, installation art, mixed media works, illustration, comics/komiks, graphic arts, performance art and/or imaging.
  - 6.2.5.Literature – poetry, fiction (short story, novel and play); non-fiction (essay, journalism, literary criticism and historical literature).
  - 6.2.6.Film and Broadcast Arts – direction, writing, production design, cinematography, editing, camera work, and/or performance.
  - 6.2.7.Architecture, Design and Allied Arts – architecture design, interior design, industrial arts design, landscape architecture and fashion design.
- 6.3. Nominations for the Order of National Artists may be submitted by government and non-government cultural organizations and educational institutions, as well as private foundations and councils.
- 6.4. Members of the Special Research Group, as well as agencies attached to the NCCA and CCP shall not submit nominations.
- 6.5. NCCA and CCP Board members and consultants and NCCA and CCP officers and staff are automatically disqualified from being nominated.**
- 6.6. Nominations shall be accepted only when these are submitted in writing and with proper supporting