

National Museum Act of 1998

AN ACT ESTABLISHING A NATIONAL MUSEUM SYSTEM, PROVIDING FOR ITS PERMANENT HOME AND FOR OTHER PURPOSES

SECTION 1. *Short title.* — This Act may be known as the "*National Museum Act of 1998.*"

SECTION 2. *Declaration of policy.* — It is the policy of the State to pursue and support the cultural development of the Filipino people, through the preservation, enrichment and dynamic evolution of Filipino national culture, based on the principle of unity in diversity in a climate of free artistic and intellectual expression.

SECTION 3. *Conversion of the National Museum.* — To implement the above declared State policies, and to ensure its independence and autonomy, the present National Museum hereafter referred to as the Museum, is hereby converted into a trust of the government. The National Museum is detached from the Department of Education, Culture and Sports and from the National Commission of Culture and the Arts. It shall be placed solely for budgetary purposes under the Office of the President.

The Museum, as established under this Act shall be known by the name of "*National Museum,*" and by that name shall be known and have perpetual succession with the power, limitations, and restriction hereafter contained and no other.

The National Museum shall be a permanent institution in the service of the community and its development, accessible to the public, and not intended for profit. It shall obtain, keep, study and present material evidence of man and his environment. The National Museum shall inform the general public about these activities for the purpose of study, education and entertainment.

The primary mission of the National Museum shall be to acquire documents, preserve, exhibit, and foster scholarly study and appreciation of works of art specimens and cultural and historical artifacts.

Pending its reorganization by the board of trustees, the National Museum shall be composed of the Museum structure, organization and its collections, properties, assets and liabilities.

SECTION 4. *Permanent Home; Evidence of title to site and buildings.* — The whole Executive House Building also known as the old Congress Building, the Department of Finance building and Department of Tourism building on Agrifina Circle shall be the permanent and exclusive site of the Museum. They shall be known as the National Museum Complex. The Executive House shall now be known as the "*National Museum.*"

The site and lands selected for the building for the Museum shall be deemed appropriated to the Museum, and the record of the description of such site and lands, or a copy thereof, certified by the Chairman and Secretary of the Board of Trustees, shall be received as evidence in all courts of the extent and boundaries of the lands appropriated to the Museum.

SECTION 5. *Preservation of the Senate Session Hall.* — The National Museum shall preserve the Senate Session Hall as a tribute to the legacy of the great men and women of the Philippine Senate for their invaluable contributions to the Filipino people, and as a relic where democracy and freedom reigned and events of national significance transpired.

SECTION 6. *Objectives.* — The Museum shall have the following objectives:

6.1. As an educational institution, the National Museum shall take the lead in disseminating knowledge of Filipino cultural and historical heritage and developing a corps of professional knowledgeable about the preservation, enrichment and dynamic evaluation of the Filipino national culture.

6.2. As a scientific institution, the Museum shall continue to conduct basic and systematic research programs combining integrated laboratory and field work in anthropology and archaeology, geology and paleontology, botany, and zoology. It shall maintain reference collections on these disciplines and promote scientific development in the Philippines.

6.3. As a cultural center, the Museum shall take the lead in the study and preservation of the nation's rich artistic, and cultural heritage, in the reconstruction and rebuilding of our past, and the development of the national cultural wealth.

SECTION 7. *Duties and function.* — The Museum shall have the following duties and functions:

7.1. Acquire documents, collect, preserve, maintain, administer and exhibit to the public, cultural materials, objects of art, archaeological artifacts, ecofacts, relics and other materials embodying the cultural and natural heritage of the Filipino nation, as well as those of foreign origin. Materials relevant to the recent history of the country shall be likewise acquired, collected, preserved, maintained, advertised and exhibited by the Museum;

7.2. Conduct researches, archaeological and scientific, on Philippine flora and fauna; collect, preserve, identify and exhibit to the public systematically all types of plants and animals found in the Philippines, prepare for publication manuscripts and scientific papers on them and maintain a reference collection on such subjects;

7.3. Document all objects held by the National Museum in its collections or borrowed by the Museum by registering them in an inventory and cataloguing them, and manage any movement of the collections both within the Museum and elsewhere in such a way that the Museum is able to locate any object in the collections at any time, initially on paper records, but to be converted to computerized records on a professional museum documentation system as soon as time and budget allow.

7.4. Conduct researches on the origin, history and geographic distribution of, and to collect, preserve, study and exhibit rocks, minerals and fossils of

plants and animals; maintain a reference collection and to prepare for publication scientific studies on them;

7.5. Regulate registration, excavation, preservation and exportation of Philippine cultural properties through a legal department and customs department which shall be established for these purposes;

7.6. Implement the pertinent provisions of Presidential Decree No. 374, as further amended, and other related laws on the protection and conservation of cultural properties;

7.7. Undertake research on salvage archaeology, monitor and control archaeological excavations, diggings and researches into Philippine pre-history and proto-history;

7.8. Gather, identify, reconstruct, restore and maintain a national archaeological reference collection; study archaeological artifacts and ecofacts, with their corresponding data and deduce archaeological interpretations;

7.9. Undertake researches on the pre-history of the Philippines in order to define the foundations of the cultures of the people by conducting systematic and controlled archaeological excavations in different sites on land and underwater, and to supplement existing historical documentation;

7.10. Collect, preserve, restore and exhibit to the public objects of arts;

7.11. Conduct researches on Philippine arts and its relations to the arts of other countries and prepare for publication research papers on them;

7.12. Carry out researches among different people of the Philippines to define the ethnography of each group, to establish the ethnology and to document for posterity and exhibit to the public their traditional and existing cultures, practices and artistic forms expressive of their culture;

7.13. Collect, acquire, identify, reconstruct, restore, preserve and maintain ethnographic items; gather their interpretations; mount exhibitions and prepare technical manuscripts for publication;

7.14. Maintain a chemical and physical laboratory where scientific analysis of materials recovered from archaeological and ethnographic sites may be undertaken for their preservation;

7.15. Plan, organize and stage exhibitions in all disciplines covered by the Museum geology, cultural properties, zoology, botany, archaeology, arts, anthropology, restoration and engineering;

7.16. Plan and organize library services, guided tours, lectures, seminars, symposia or workshops;

7.17. Implement and enforce Presidential Decree Nos. 260, 374, 756, 1109, 1492, 996, 1683 and 1726-A;

7.18. Supervise restoration, preservation, reconstruction, demolition, alteration, relocation and remodeling of immovable properties and archaeological landmarks and sites;

7.19. Disseminate astronomical knowledge and information through planetarium shows, lectures and demonstrations, exhibits and actual celestial observations;

7.20. Maintain, preserve, interpret and exhibit to the public the artifacts in sites of the Paleolithic habitation site of the possible earliest man to the Philippines, the Neolithic habitation of the ancient Filipino at the Tabon Caves, and other important archaeological sites;

7.21. Secure and receive bilateral and international grants and endowments to support its programs/projects.

7.22. Initiate, promote, encourage and support the establishment and promotion of, and extend management, technical and financial assistance to regional, provincial, city and/or local museums; and

7.23. Develop and implement consortium agreements and linkages with institutions of higher learning and other organizations engaged in similar researches being undertaken by the National Museum.

SECTION 8. Board of trustees. — The business of the Museum shall be conducted at the city of Manila by a Board of Trustees to be composed of the Chairmen of the Committees on Education of the Senate and House of Representatives, the Chairperson of the National Commission for Culture and the Arts and seven (7) representatives from the private sector. Of the seven (7) representatives from the private sector, there shall be included, one (1) distinguished Filipino Artist, one (1) distinguished Filipino Scientist, and one (1) distinguished Filipino historian.

The private sector representatives shall be selected on the basis of their demonstrated interest in and commitment to arts and culture.

The Director of the National Museum is an *ex-officio* member of the Board of Trustees.

The chairman of the Board shall be appointed by the President of the Philippines. The President shall be the National Museum's Honorary Chairman and patron.

SECTION 9. Appointment of trustees. — The private sector representatives shall be appointed by the President of the Philippines from a short list nominated by recognized NGOs in the Museum and cultural sectors, as well as by prestigious business groups.

Of the private sector representatives, three (3) shall be appointed for a four-year term; three (3) shall be appointed for a two-year term; and one (1) shall be appointed for a one-year term.

They shall all be eligible for one reappointment. Appointment to a position vacated due to death, disability, resignation or any similar cause, shall be for the duration of said unexpired term only.

SECTION 10. *Organization of board; expenses, gratuitous services; powers.*

— The Board of Trustees shall meet in the city of Manila and elect five (5) of their members as an executive committee, and shall fix the time for the regular meetings of the Board; and, on application of any three (3) of the trustees to the Director of the Museum, it shall be his duty to call a special meeting of the Board of Trustees, of which he shall give notice, by letter, to each of the members. The Board may function notwithstanding vacancies, and, at any meeting of the Board, six (6) shall constitute a quorum to do business. Each member of the Board shall be paid his necessary travel and other actual expenses, in attending meetings of the Board, which shall be audited by the executive committee, and recorded by the Director of the Museum; but his service as trustee shall be gratuitous.

The Board may establish such other committees as it may deem proper. The Chairman of any committee to be established must be a member of the Board.

The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this Act, including, among other matters, by laws, rules and regulations relating to the acquisition, exhibition, and loan of works of art, the administration of its trust funds, and the organization and procedure of the Board.

SECTION 11. *Director of the National Museum; duties; programs and studies; annual report to Congress.*

— The Board of Trustees shall appoint the Director of the Museum and two (2) Assistant Directors. The Director shall be in charge of the over-all operations of the Museum and implement the policies set by the Board of Trustees and programs approved by it. The Director shall have a proven track record of competent administration and shall be knowledgeable about Museum management.

The Director assisted by two (2) Assistant Directors shall be in charge of the expanded archaeological sites and the Regional Museum Division of the Museum.

SECTION 12. *Acting Director.* — The Board may, by an instrument in writing filed in the office of the Secretary thereof, designate and appoint an Assistant Director to act as Director when there shall be a vacancy in said office, and whenever the Director shall be unable to perform the duties of his office due to illness, absence, or other cause, and in such case the person so appointed may perform all the duties imposed on the Director by law until the vacancy shall be filled or such inability shall cease. The Board may change such designation and appointment from time to time as the interests of the Museum may in its judgment require.

SECTION 13. *Salary and removal of Director and Assistants.* — The Director and his assistants shall, respectively, receive for their services such sum as may be allowed by the Board of Trustees; and shall be removed by the Board of Trustees whenever, in their judgment, the interests of the Museum require such removal.

SECTION 14. *Personnel training and development.* — The Museum shall undertake training and development programs to upgrade the capabilities of the Museum personnel in the various functions of the Museum.

Apart from the practice of allowing scholars to train abroad on official time, personnel involved in the technical aspects of museology and the graduate programs

in the disciplines of anthropology, archaeology, the arts, botany, geology and paleontology, astronomy, and zoology, and services related to the operations of the Museum, shall be allowed to pursue their graduate programs on official time, subject to the needs of the service, upon approval of the Director.

SECTION 15. *Exhibition unit and central registry unit.* — An exhibition department shall be organized in the Museum that will specialize in the planning, design, and execution of quality exhibitions. The services of highly specialized persons may be engaged whenever necessary for specific purposes in this regard.

A central registry unit shall also be established with the objective of ultimately integrating documentation of all collections into one computerized system.

SECTION 16. *Supervision over regional museums.* — Museum branches with ten (10) or more personnel and/or high property accountability or cultural value shall be upgraded to regional museums upon recommendation of the Director of the Museum.

The Director of Museum, through the Assistant Director, shall have full supervision over regional museums and their personnel. The regional museums shall serve as information and cultural centers offering comprehensive and substantial collection of local archaeological finds, objects of art and other local cultural treasures.

SECTION 17. *Reception and arrangement of specimens and objects of art.* — Whenever suitable arrangements can be made from time to time for their reception, all objects of art and foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging to the Philippines, in whosoever custody they may be, shall be delivered to such persons as may be authorized by the Board of Trustees to receive them, and shall be so arranged and classified in the Museum as best to facilitate the examination and study of them; and whenever new specimens in natural history, geology, or mineralogy are obtained for the Museum, by exchanges of duplicate specimens, which trustees may in their discretion make, or by donation, which they may receive, or otherwise, the trustees shall cause such new specimens to be appropriately classed and arranged.

All specimens, artifacts and objects of art will be registered immediately upon entry to the Museum, and records will be maintained of a objects in the collections or on loan to the Museum. An inventory will be kept and updated to reflect any movement of objects within the Museum or elsewhere. The objective will be to add full catalogue entries to the records, based on curatorial expertise. Records will initially be kept on paper, but should be computerized in a professional museum documentation system as soon as time and budget allow.

SECTION 18. *Laboratories and facilities.* — The Museum shall have laboratories and such other adequate facilities for the conservation, preservation and storage of its collections.

SECTION 19. *Protection of property.* — All laws and ordinances for the protection of public property shall apply to, and be in force for, the protection of the lands, buildings, and other property of the Museum.

SECTION 20. *Policing of buildings and grounds; authority to deputize.* — The Board of Trustees through its secretary, or their authorized representatives, may

designate employees of the Museum as special policemen, without additional compensation for duty in connection with the policing of the buildings and grounds of the Museum.

The Museum shall also have the authority to deputize the Philippine National Police and the Armed Forces of the Philippines for the following:

20.1. protection of newly discovered sites from illegal exploitation;

20.2. the reporting of discovery of archaeological sites; and

20.3. the preservation of important archaeological sites in danger of destruction.

Pursuant to this authority, it shall be obligatory for the local police and civil authorities, especially city and municipal mayors and barangay chairmen to report to the Museum the discovery of archaeological sites. The local police and civil authorities are tasked with the duty of preventing illegal exploitation by unauthorized persons of discovered sites until such time as the Museum shall have established control over them.

SECTION 21. *Incentives for discovery of sites.* — The Museum is authorized to provide incentives for the reporting of newly discovered archaeological, cultural, and historical sites and to devise a system of equitable rewards for verified reports of significance.

SECTION 22. *Appropriation.* — The Museum shall continue to submit and receive its annual budget from the general appropriations of the National Government. For this purpose, the Secretary shall submit to Congress annually at the beginning of each regular session thereof a detailed statement of the expenditures of the preceding fiscal year, under appropriations for the "*National Museum.*"

The Museum is authorized to include in its estimate of appropriations such sums as may be necessary for the preservation of its art collection.

SECTION 23. *Museum Endowment Fund.* — A Museum Endowment Fund is hereby established to be used for special programs, projects and activities of the Museum in accordance with Section 7 hereof. This Fund shall be administered directly by the Board of Trustees.

For this purpose, the sum of Five hundred million pesos (P500,000,000) is hereby appropriated from the following sources:

23.1 Two hundred fifty million pesos (P250,000,000) from the annual net earnings of the Philippine Charity Sweepstakes Office from its earnings in lotto;

23.2 Two hundred fifty million pesos (P250,000,000) from the annual net earnings of the Philippine Amusement and Gaming Corporation (PAGCOR).

Provided, That the foregoing appropriations shall be payable in quarterly remittances within a period of three (3) years until the amount of Five hundred million pesos (P500,000,000) is reached: ***Provided, further,*** That the regular operating budget of the Museum, including other operational costs such as the acquisition of collection materials for the national reference collections, procurement

of equipment and supplies, studies and research in the various disciplines and exhibition of artistic and historical artifacts, shall be provided for in the General Appropriations Act: *Provided, finally,* That only the interest of the above Endowment Fund may be expended for the special projects and programs.

Donations and bequests to the Endowment Fund from the private sector will be exempt from any and all taxes. The Board of Trustees shall direct the investment of the Endowment Fund, and determine annual transfers from its earned interest to the Museum's special projects account.

SECTION 24. *Disposal of unappropriated money.* — The Trustees are authorized to make such disposal of any other moneys which have accrued, or shall hereafter accrue, as interest upon the Museum, not herein appropriated, or not required for the purposes herein provided, as they shall deem best suited for the promotion of the purpose of the Museum.

SECTION 25. *Exemption from taxes.* — The Museum shall be exempt from paying import taxes and tariff duties on all art/display materials and equipment directly used for the Museum's non-profit programs including but not limited to books, art materials, chemicals for preservation and restoration, exhibit and technical equipment and films.

Donations and legacies to the Museum shall be exempt from donor's, estate and inheritance taxes.

The Board of Trustees shall recommend to tax authorities the appropriate amount of exemption for donations of objects or donations in kind: *Provided,* That the Board shall refer to qualified external evaluators to determine the proper valuation of the donation.

SECTION 26. *Revolving fund.* — The income of the Museum not exceeding the amount of Two million pesos (P2,000,000) derived from the proceeds of the sales of reproductions, cultural items, publications, creation, restoration, conservation, identification, authentication, earnings from planetarium programs, and other auxiliary services shall be constituted as a revolving fund for the use of the Museum.

SECTION 27. *Merit system; salaries; annual report of salaries.* — Professional Museum personnel with graduate degrees shall be given the rank and benefits of National Scientists, subject to qualifying standards, equivalent to that prescribed in the scientific career merit system of the government.

Museum personnel belonging to the scientific career merit system shall be allowed one (1) year of sabbatical leave for every five years of productive scientific service.

With the approval of the Board, the Museum shall prepare and implement a staffing pattern to determine the duties, qualifications, responsibilities and functions as well as the compensation scheme for the personnel, for approval by the Department of Budget and Management.

The salaries of the professional and technical staff of the Museum shall be exempt from the salary standardization laws affecting personnel of the civil service.

A report in detail, for the preceding fiscal year, shall be made to Congress annually

of the salaries of all officers and employees paid from appropriations under the Museum.

SECTION 28. *Appointment and compensation of officers and employees; exemption from the attrition law.* — The Board may employ such other officers and employees as may be necessary for the efficient administration, operation, and maintenance of the Museum: *Provided*, That the Board may delegate to the Director the functions provided in this Section.

SECTION 29. *Exemption from attrition law.* — The National Museum shall not be subject to the attrition law.

SECTION 30. *Hiring of foreign consultants.* — Subject to the provisions of the Labor Code and other pertinent legislation, the National Museum may hire foreign consultants and experts.

SECTION 31. *Health services.* — The Museum shall be provided with adequate health care services.

SECTION 32. *De-accessioning policy.* — The National Museum may provide for a de-accessioning policy for the purpose of upgrading its collections.

SECTION 33. The National Museum shall be allowed to charge admission fees. It shall also be open on Saturdays, Sundays and public holidays.

SECTION 34. *Special budget and audit rules applicable to the Museum.* — Recognizing the unique status and special needs of the Museum, the Commission on Audit, Department of Budget and Management and the National Museum shall draw up special rules enhancing and implementing the legislative intention to provide the Museum complete and full flexibility and fiscal autonomy in accordance with generally accepted rules and practices applicable to similar institutions. Said rules shall be drafted and promulgated within sixty (60) days from the effectivity of this Act.

SECTION 35. *Penalties.* — In addition to the penalties provided under existing laws, any person, including the officers and employees of the museum, found guilty of violating any provision of this Act shall be imprisoned for a term not exceeding two (2) years or a fine not exceeding Ten thousand pesos (P10,000), or both such imprisonment and fine at the discretion of the court.

SECTION 36. *Reorganization.* — With the approval of the Board, the Museum shall have the authority to reorganize its structure and staffing pattern in order to carry out its functions.

The incumbents in the leadership structure of the existing National Museum shall automatically be upgraded to these analogous positions, with respect to the rest of the personnel; they shall be extended automatic reappointment except those who opt to avail of an early retirement scheme as determined by the Board of Trustees.

SECTION 37. *Repealing clause.* — The provisions of Philippine Legislative Act No. 3477, Republic Act No. 4846, Presidential Decree No. 374, Executive Order No. 30, Presidential Proclamation No. 913 and other related laws to the extent that they be inconsistent with this Act, are hereby repealed or amended accordingly.

SECTION 38. *Separability clause.* — If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the parts or provisions not affected thereby shall remain in full force and effect.

SECTION 39. *Effectivity clause.* — This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation, whichever comes first.