

Draft Ordinance No: _____

AN ORDINANCE CREATING THE TAYTAY CULTURAL, HISTORICAL, AND CREATIVE INDUSTRIES COUNCIL (TCHCIC), DEFINING ITS DUTIES AND RESPONSIBILITIES, APPROPRIATING FUNDS THEREOF AND FOR OTHER PURPOSES

Introduced and Authored by Councilor John Tobit E. Cruz

WHEREAS, Article 11, Section 17 of the 1987 Constitution declares that the State shall give priority, among others, to arts and culture *"to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development"*;

WHEREAS, the Constitution further proclaims in Article XIV, Section 15 that *"Arts and letters shall enjoy the patronage of the State. The State shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations"*;

WHEREAS, Section 16 of the Local Government Code states that *every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare*;

WHEREAS, the same section states that, *within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture [...]*;

WHEREAS, the local government of Taytay commits itself, through the creation of this council, to protecting and promoting its rich history, culture, traditions, and tangible and intangible heritage;

Be It ordained by the Sangguniang Bayan, that:

SECTION 1. TITLE. -This Ordinance shall be known as the Taytay Cultural, Historical and Creative Industries Council Ordinance.

SECTION 2. DECLARATION OF POLICY. Sections 14,15,16 and 17, Article XIV of the 1987 Constitution declare that the State shall foster the preservation, enrichment and dynamic evolution of a Filipino culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression. The Constitution likewise mandates the State to develop, promote and popularize the nation's historical and cultural heritage and resources, as well as artistic creations. It further provides that all the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the protection of the State, which may regulate its disposition.

The Municipality of Taytay, through the creation of this councils declares its commitment to the proper documentation of our rich history, the protection of its tangible and intangible cultural heritage, and the promotion of such to its citizens and the generations to come.

SECTION 3. LEGAL BASIS. -Section 446 (5) (xvi) of Republic Act No. 7160 of the Local Government Code of 1991 mandates the Sangguniang Bayan to *"[e]stablish a municipal council whose purpose is the promotion of culture and the arts, coordinate with government agencies and non-governmental organizations and, subject to the availability of funds, appropriate funds for the support and development of the same."*

In addition, the Department of the Interior and Local Government (DILG) has issued a memorandum circular (MC) on September 29, 2017 (DILG MC No. 2017-133) to *"[e]njoin all provinces, cities and municipalities to legislate for the establishment of the Local Culture and the Arts Council, implement related projects and/or strengthen existing ones thereafter."*



Moreover, the DILG and the National Commission for Culture and the Arts (NCCA), which is the highest government body on culture, have formed a Technical Working Committee and issued the Guidelines for the implementation of the NCCA, DILG and LGU Program for the Local Culture and the Arts Councils (LCAC). The guidelines include, among others, the technical assistance for the LCAC's cultural databank for the local government and cultural promotion activities.

Furthermore, Sections 69 and 70, Rule XII of the Amended Implementing Rules and Regulations of 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*, state that the NCCA may establish or coordinate with local, provincial or regional government or non-government councils/groups to promote, develop and implement programs and plans of the Commission, and that local, provincial or regional culture and arts councils, both government and non-government, shall be encouraged to propose policies that would encourage the arts and cultural heritage preservation and other aspects of culture in their respective localities.

Finally, Sections 14, 16, 21, 22, 31, 32, 33, 34, 37, 38, 39 and 41 of R.A. 10066 or the National Cultural Heritage Act of 2009 prescribe provisions specifically for the local government units (LGUs) in order to: (a) Protect, preserve, conserve and promote the nation's cultural heritage, its property and histories, and the ethnicity of local communities; (b) Establish and strengthen cultural institutions; and (c) Protect cultural workers and ensure their professional development and well-being.

SECTION 4. DECLARATION OF PRINCIPLES. -The following principles, as enumerated in Republic Act No. 7356 creating the National Commission for Culture and the Arts, are hereby adopted by this ordinance:

4.1 Culture as a Human Right. Culture is a manifestation of the freedom of belief and of expression and is a human right to be accorded due respect and allowed to flourish.

4.2 National Identity. Culture reflects and shapes values, beliefs, aspirations, thereby defining a people's national identity. A Filipino national culture that mirrors and shapes the country's economic, social and political life shall be evolved, promoted and conserved.

4.3 Culture of the People. The Filipino national culture shall be:

4.3.1 Independent. Free of political and economic structures which inhibit cultural sovereignty;

4.3.2 Equitable. Effectively creating and distributing cultural opportunities and correcting the imbalance that has long prejudiced the poor and other marginalized sectors who have the least opportunities for cultural development and educational growth;

4.3.3 Dynamic. Continuously developing in pace with scientific, technological, social, economic and political changes both in national and international levels;

4.3.4 Progressive. Developing the vast potential of all Filipinos as responsible change agents of society; and

4.3.5 Humanistic. Ensuring the freedom and creativity of the human spirit;

4.4 Culture by the People. The Filipino national culture shall be evolved and developed by the people themselves in a climate of freedom and responsibility.



4.5 Culture for the people. The creation of artistic and cultural products shall be promoted and disseminated to the greatest number of the people. The level of consciousness of the people about cultural values in order to strengthen culture and to instill nationhood and cultural unity shall be raised formally through the educational system and informally through extra-scholastic means, including the use of traditional as well as the modern media of communication.

4.6 Preservation of the Filipino Heritage. It is the duty of every citizen to preserve and conserve the Filipino historical and cultural heritage and resources. The retrieval and conservation of artifacts of Filipino culture and history shall be vigorously pursued:

SECTION 5. PURPOSE. - The creation of this council aims to:

- a. Document and publish a more factual version of the town's history, including its rich cultural practices, traditions, beliefs, language, food, music, and other unique local characteristics;
- b. Protect, preserve and promote Taytay's cultural identity and heritage properties;
- c. Support and develop local artists, researchers, cultural workers and cultural institutions; and
- d. Nurture the Taytayeño's deep love for country and the community, and develop a sense of pride in our unique cultural identity.

SECTION 6. DEFINITION OF TERMS. -The following terms used in this Ordinance shall be defined as follows:

- a. **Archives-** shall refer to public and private records in any format which have been selected for permanent preservation because of their evidential, historical, informational value; otherwise known as archival materials collections or archival holdings; the place (building/room/storage area) where archival materials are kept and preserved: and an organization or agency or part thereof whose main responsibility is to appraise, arrange, describe, conserve, promote and make archival materials available for reference and research, also known as archival agency;
- b. **Council-** shall refer to the Taytay Cultural, Historical, and Creative Industries Council
- c. **Cultural Education-** shall refer to the teaching and learning of cultural concepts and processes and practicing of the arts, through using transversal pedagogical means, or using the arts for the promotion of cultural and social objectives, in particular mutual respect, understanding and tolerance, appreciation of diversity, team work and other social skills as well as creativity, personal development and the ability to innovate.
- d. **Cultural Heritage-** collection of tangible and intangible heritage assets of the community that is inherited from past generations;
- e. **Cultural Institutions-** shall refer to entities engaged primarily in cultural work;
- f. **Cultural Property-** shall refer to all products of human creativity by which a people and a nation reveal their identity, including churches, mosques and other places of religious worship, schools and natural history specimens and sites, whether public or privately-owned, movable or immovable, and tangible or intangible.
- g. **Cultural Tourism-** shall refer to the subset of tourism concerned with a country or region's culture, specifically the lifestyle of the people in those geographical areas, the history of those people, their art, architecture, religions, and other elements that helped shape their way of life. For purposes of this Ordinance, the term shall specifically refer to Taytay local Cultural Tourism, or the guidance, management and accommodation of tourists and the promotion or encouragement of touring in Taytay using the culture, history, art, religion, traditions, customs and lifestyle of the Taytayeños.



- h. Culture-** shall refer to the whole complex of distinctive spiritual, material, intellectual, and emotional features that characterize a society or a social group. This includes not only the arts and letters but also modes of life, values systems, traditions, and beliefs. Culture can also be looked at as an aggregate and internally inconsistent body of knowledge and meanings, unevenly distributed among individuals of a community, and acquired by these individuals through their experiences and transactions in everyday life. In the perspective of culture and poverty program, culture is defined as inclusive of creative expression, skills, traditional knowledge and cultural resources that form part of the lives of peoples and societies, serving as bases for social engagement and enterprise development. Allowing for the varying view on culture, the government stands on supporting culture as a free expression of creativity to serve as the base for a dynamic process of consolidating human rights and supporting poverty alleviation. For purposes of this Ordinance, the seven program thrusts identified in the Medium-Term Philippine Development Plan for Culture and Arts shall be incorporated to this definition of culture which addresses certain needs in the sector: (1) Culture and Education; (2) Culture and Development; (3) Support for Artistic Excellence; (4) Promotion of Culture and the Arts; (5) Conservation of Cultural Heritage; (6) Culture and Diplomacy; and (7) Culture and Peace. These programs were created as the framework for direction and policy development from where project ideas can be developed.
- i. Historical Research-** shall refer to the type of research that examines past events or combinations of events to arrive at an account of what had happened in the past. For purposes of this Ordinance, the term shall specifically refer to research on the ethnography, sociology, history, language and culture of the Taytayeño People.
- j. Language-** shall refer to a systematic means of communicating ideas or feelings by the use of conventional signs, sounds, gestures or marks having understood meanings.
- k. Media Arts-** shall refer to artworks that depend on a technological component to function. For purposes of this Ordinance, the term shall be limited to radio, television, digital, social media and film.
- l. Monuments-** shall refer to structures that honor illustrious persons or commemorate events of historical value as declared by the National Historical Commission of the Philippines (NHCP).
- m. Museums-** shall refer to permanent institutions that research, acquire, conserve, communicate and exhibit the material evidence of humans and their environment for purposes of education and leisure.
- n. Performing Arts-** shall refer to forms of creative activity that are performed in front of an audience, such as, but not limited to, drama, dance, and music.
- o. Sites-** shall refer to historical and cultural landmarks, shrines or structures that are associated with events or achievements significant to the Municipality's history as declared by the National Historical Commission of the Philippines (NHCP).
- p. Visual Arts-** shall refer to the arts created primarily for visual perception, as drawing, graphics, painting, sculpture and the decorative arts and typically exists in permanent form.

If doubt or question arises on the definition of terms used in this Ordinance, and on other terms used herein but were not defined, the definition shall be liberally interpreted by the Sanggunian based on the contextual use of those terms in Philippine cultural laws and other laws.



SECTION 7. CREATION OF THE COUNCIL. Envisioned to be the local counterpart of the National Commission for Culture and the Arts, the Taytay Cultural, Historical and Creative Industries Council is hereby created to formulate policies for the development of culture and the arts at the Municipal level; implement these policies in coordination with the National Commission for Culture and the Arts as well as affiliated cultural entities both from the private and public sectors; encourage artistic creation within a climate of artistic freedom; develop and promote the Filipino national culture and arts; and preserve the Taytayeños cultural heritage. The council shall be under the Office of the Municipal Mayor and shall render annual accomplishment report to the Municipal Mayor.

SECTION 8. COMPOSITION. The Taytay Cultural, Historical and Creative Industries Council shall be composed of the following:

Chairperson:	Local Chief Executive
Vice Chairperson:	Cultural Heritage Section Chief
Members:	SB Chairperson, Committee Tourism, Culture and the Arts
	Municipal Tourism Officer
	Municipal Planning and Development Officer
	Municipal Information Officer
	Municipal Budget Officer
	Representative, Liga ng mga Barangay
	Representative, NCCA
	Representative, Department of Education Representative,
	Representative, Commission on Higher Education
	Representative, Philippine Information Agency
	Representative, Local Tourism Council
	Representative, Local Heritage Groups
	Representative, Local Artist Group
	Representative, Business Sector or Chamber of Commerce
	Representative, Academe Sector
	Representative, Youth Sector Representative

The Municipal Mayor may appoint the following Sectoral Representatives as members of the Council:

- Representative, Religious Sector;
- Representative, Accredited Non-Governmental Organization (NGO) or People's Organization with good track record; and
- Any sectoral representative that is deemed necessary to be part of the council.

SECTION 9. TERM OF OFFICE. - Locally elected members shall serve up to the end of their current term. Private sector representatives shall be co-terminus with that of the appointing Municipal Mayor. An interim council will be organized headed by the Head of the Municipal Tourism Office until the new Council membership will be convened.

SECTION 10. POWERS AND FUNCTIONS. - In order to pursue its mandate, the Council shall have the following powers and functions:

- Mainstream culture and development in the plans, policies, programs, projects, and activities of the Municipal government, providing cultural services and opportunities to all, especially to the poor, the marginalized and the minorities;
- Prepare an annual plan on culture and the arts consonant to the Medium-Term Philippine Development Plan for Culture and the Arts, to be integrated in the local development plan of the municipality;
- Formulate programs and recommendations to develop local culture and the arts;



- d. Conduct research and publish official written records of the Municipality's History and its tangible and intangible cultural heritage;
- e. Promote sustainable heritage conservation approaches and conduct periodic inventory of Taytay's cultural objects and sites, in coordination with the National Commission for Culture and the Arts and its affiliated agencies;
- f. Conduct cultural events such as cultural festivals, competitions, lectures, seminars, fora and symposia; set up exhibits during fiestas and other related activities;
- g. Conduct periodic consultations with stakeholders to identify grassroots-based cultural concerns, issues and agenda;
- h. Conduct periodic inventory of local cultural objects and sites in coordination with the National Commission for Culture and the Arts (NCCA), Cultural Center of the Philippines (CCP), National Museum, National Historical Institute (NHI), National Library and other national cultural agencies;
- i. Coordinate with the private sector and the other local councils for culture and the arts in formulating programs and recommendations to develop local cultural and artistic talents that will ensure the preservation, enrichment and promotion of the Taytay's identity, heritage and cultural wealth;
- j. Encourage the generation of jobs or livelihood through the animation and growth of the cultural industries or the creative economy, and through the revitalization and promotion of cultural tourism and ecotourism, highlighting the wealth of the town's tangible and intangible heritage;
- k. Institutionalize culture in education, media and in good governance, specifically focusing on the formation of patriotic values for moral reform and social justice;
- l. Evaluate the implementation of the local annual plan for culture and the arts;
- m. Ensure continuous and sustainable cultural education;
- n. Set up a Municipal-wide network of barangay councils for culture and the arts to ensure optimum people-based participation;
- o. Network with international, national and local cultural and artistic groups/agencies;
- p. Link up with government and non-government agencies for assistance;
- q. Advise the Municipal Mayor on all matters pertaining to culture and the arts;
- r. Accept donations from both the public and private sectors;
- s. Mount fund-raising projects;
- t. Craft the implementing rules and regulations of this ordinance;
- u. Formulate the annual budget of the Council and submit the same to the Municipal Mayor for inclusion in the annual budget
- v. Perform other functions which may be necessary for the preservation/conservation of national cultural heritage/properties;

SECTION 11. MEETINGS. The Council shall meet at least once every-three (3) months (quarterly) or as often as necessary as the Chair desires to convene the same, serving notice to the members at least one week before the scheduled meeting. Subject to existing rules and regulations imposed by competent authority, members of the TCHCIC, including the sectoral representatives, shall entitled to receive Five Hundred Pesos (Php 500.00) per meeting (maximum of four (4) meetings per month), subject to availability of funds.

SECTION 12. SUPPORT, MONITORING AND EVALUATION. - The Municipal Planning and Development Office (MPDO) shall extend secretariat and support functions to the Council and its constituted Committees, and it shall collate and integrate all framework plans and program plans for compilation into a Master Plan or a Municipal Development Plan for Culture the Arts.

SECTION 13. LINKAGES. - The Council shall establish linkages with other Institutions on culture and the arts especially the National Commission for Culture and the Arts (NCCA) and its affiliated agencies, for the fulfillment of its mandate and objectives as well as for technical, financial and other assistance.



SECTION 14. SECRETARIAT. The Taytay Municipal Tourism Office shall act as the secretariat of Taytay Cultural, Historical and Creative Industries Council.

SECTION 15. REGISTRY. - The Council shall prepare a Directory of Taytay Artists and Cultural Workers/Groups to ensure maximum participation to the projects and activities of the Council by the various representatives on Taytay culture and the arts.

SECTION 16. APPROPRIATIONS. The amount as may be deemed appropriate by the Council shall be appropriated, out of the unappropriated funds of the General Fund to carry out the Implementation of this Ordinance. and shall thereafter be included in the Annual Investment Plan and the Annual Budget of the Taytay Municipal Government.

SECTION 17: REPEALING CLAUSE- Any provision of existing ordinance or executive order contrary to the provisions hereof shall be deemed repealed or amended accordingly.

SECTION 18: SEPERABILITY CLAUSE- If for any reasons any portion of this Ordinance is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected shall continue to be in full force and effect.

SECTION 19: EFFECTIVITY- This Ordinance shall take effect ten (10) days after posting of this ordinance in all official Municipal Transparency Boards.