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ORDINANCE NO. 2024 – XXX

AN ORDINANCE TO ESTABLISH A COMPREHENSIVE WELFARE PROGRAM FOR ARTISTS AND CULTURAL WORKERS IN NAGA CITY, CREATING THE NAGA CITY CULTURAL AFFAIRS AND ARTS PROMOTIONS OFFICE, AND PROVIDING GOVERNMENT INVESTMENTS FOR THEIR WELFARE, DEVELOPMENT, AND PROTECTION:-

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EXPLANATORY NOTE

This proposed ordinance seeks to establish a comprehensive welfare program for artists and cultural workers in Naga City, create the Naga City Cultural Affairs and Arts Promotions Office, and ensure essential government investments for their welfare, development, and protection. The initiative aims to address the critical need for support systems that will elevate the status of artists and cultural professionals, while also promoting the city's rich cultural heritage.

Artists and cultural workers have made substantial contributions to the cultural, social, and economic landscape of Naga City. Their initiatives in safeguarding and advancing local heritage, coupled with their involvement in creative sectors, are of significant value to the community. Nonetheless, in spite of their vital contributions, artists and cultural workers often face a variety of challenges, including restricted access to healthcare, opportunities for career advancement, financial support, and legal protections. The insufficient resources impede their ability to thoroughly develop their skills and contribute to the cultural advancement of the city.

The development of a comprehensive welfare program for artists and cultural workers is in accordance with the provisions of the 1987 *Philippine Constitution*, Republic Act No. 7160 (*Local Government Code of 1991*), and the *National Cultural Heritage Act of 2009* (Republic Act No. 10066). These legal frameworks emphasize the importance of supporting and protecting cultural workers and heritage. The national legislation recognizes the importance of governmental support in the welfare, development, and protection of cultural workers. However, the implementation at the local level remains limited, underscoring the need for a more structured, accessible, and comprehensive approach to cultural support in Naga City.

The ordinance creates the Naga City Cultural Affairs and Arts Promotions Office, responsible for managing the implementation of cultural programs and ensuring the proper distribution of resources to artists and cultural organizations. This office will oversee local initiatives, administer funding for cultural projects, and facilitate the growth and development of the city's artistic community.

The ordinance aims to provide financial support and assistance to artists and cultural workers, including grants, scholarships, health benefits, and subsidies for cultural projects. It will establish frameworks to protect the intellectual property rights of artists and ensure they receive fair compensation for their contributions. These measures will address the challenges faced by artists, particularly those in marginalized or underfunded sectors.

The establishment of the Naga City Cultural Affairs and Arts Promotions Office, coupled with the implementation of this extensive welfare program, will enhance the cultural landscape of the City of Naga. It will promote the growth and advancement of its artists while preserving the cultural heritage for future generations.

In view of the reasons outlined above, and to create the necessary legal framework, financial support, and institutional infrastructure aimed at improving the welfare, development, and protection of artists and cultural workers in Naga City, *the Sangguniang Panlungsod of the City of Naga hereby enacts the following ordinance:*

SECTION 1. TITLE. This Ordinance shall be referred to as the "Comprehensive Artist and Cultural Workers Welfare Ordinance of Naga City."

SECTION 2. DECLARATION OF POLICY. The City of Naga acknowledges the vital contributions of artists and cultural workers in enhancing creativity, safeguarding cultural heritage, and promoting the socio-economic development of the city. The City Government is dedicated to enhancing the welfare, rights, and development of artists and cultural workers by implementing comprehensive support mechanisms, making strategic investments, and ensuring equitable opportunities. The City will guarantee inclusivity in its support for the arts and cultural sector, cultivating an environment where all artists and cultural workers, irrespective of their background, have equal opportunities for creative expression and advancement.

SECTION 3. DEFINITION OF TERMS. For the purposes of this Ordinance, the following terms are defined as follows:

- a. An **artist** is defined as any individual involved in the creation, production, or performance of artistic works. This encompasses a wide range of disciplines, including visual arts, music, dance, theater, film, literary arts, and digital arts.

- b. A **Cultural Worker** is defined as any individual engaged in the planning, production, management, promotion, or preservation of artistic and cultural heritage. This includes roles such as curators, researchers, cultural managers, and educators.
- c. **Grants** are financial assistance offered by local government entities to support artistic or cultural projects, programs, or initiatives.
- d. **Culture and Arts Infrastructure** encompasses the physical structures or facilities utilized for the creation, performance, or promotion of arts and culture, including museums, theaters, galleries, and cultural centers.
- e. **Naga City Artists and Cultural Workers Registry** shall refer to the comprehensive database of acknowledged artists and cultural workers in Naga City, qualified for welfare programs, grants, and additional support.
- f. **Public Procurement** involves the acquisition of goods, services, or works by government agencies, prioritizing local registered artists and cultural workers for cultural services in adherence to Republic Act No. 9184 or the New Government Procurement Act.

SECTION 4. ESTABLISHMENT OF THE NAGA CITY CULTURAL AFFAIRS AND ARTS PROMOTIONS OFFICE. The Naga City Cultural Affairs and Arts Promotions Office (NCCAPO) is hereby established as a division-level unit under the City Mayor's Office. The office will be responsible for the promotion, development, and management of cultural and artistic affairs within Naga City. It will be headed by a Supervising Administrative Officer (Supervising Culture and Arts Officer) with a salary grade level of 22.

SECTION 5. OPERATIONAL UNITS. The NCCAPO will comprise the following operational sections:

- a. The Culture and Arts Development Section shall be responsible for the planning and implementation of cultural and artistic programs and initiatives.
- b. Welfare and Support Section shall manage the organization of welfare programs and services offered to artists and cultural professionals.
- c. Cultural Heritage Preservation Section shall be responsible for the preservation and promotion of Naga City's tangible and intangible cultural heritage.
- d. The Capacity Building and Training Section shall be tasked with overseeing capacity development initiatives, which encompass training workshops and seminars designed for artists and cultural professionals.

SECTION 6. FUNCTIONS AND RESPONSIBILITIES. The NCCAPO will have the following functions:

- a. Design, execute, and manage cultural initiatives, projects, and events that enhance the arts and culture of Naga City.
- b. Collaborate with agencies and arts and culture organizations to organize cultural festivals and events that showcase the city's artistic heritage and promote community involvement.
- c. Manage the application process for grants, scholarships, and financial support for artists and cultural professionals.
- d. Assess and suggest funding proposals, ensuring they align with the city's cultural goals.
- e. Establish and maintain the Registry of Artists and Cultural Workers (RACW) to monitor registered artists and cultural workers in Naga City.
- f. Consistently update the registry to maintain the accuracy of information and ensure the appropriate representation of the artistic and cultural community.
- g. Design and execute training programs, workshops, and seminars focused on improving the skills and competencies of artists and cultural workers.
- h. Engage with educational institutions and cultural organizations to offer resources and opportunities for career advancement.
- i. Engage with various city and national agencies to facilitate legal assistance for artists and cultural workers concerning contracts, intellectual property rights, and other legal issues. Additionally, support social welfare programs that cater to the health, social security, and retirement requirements of artists and cultural workers.
- j. Supervise the development, maintenance, and operation of cultural infrastructure, encompassing performance venues, galleries, and museums that are owned or managed by the city.
- k. Establish collaborations with private organizations to improve cultural facilities and services.
- l. Design promotional campaigns to highlight local artists and cultural professionals, encompassing exhibitions, performances, and various public events.
- m. Establish collaborations with local media and cultural organizations to enhance visibility and support for the arts in Naga City.
- n. Collaborate with national and local government agencies, NGOs, and international organizations to improve cultural programs and services.
- o. Engage in regional and national cultural initiatives to represent Naga City and support local artists and cultural workers.
- p. Assess and analyze the effects of cultural programs and initiatives on the community and the arts sector in Naga City.
- q. Compile annual reports that encapsulate the activities, accomplishments, and challenges encountered by the NCCAPO, to be presented to the City Mayor and the NCACC.
- r. Foster community involvement in cultural activities and stimulate local engagement in arts initiatives.

- s. Promote the rights and welfare of artists and cultural workers, ensuring their perspectives are considered in policy-making and program development.
- t. Identify and secure funding sources for cultural initiatives, encompassing grants from government agencies, private foundations, and corporate sponsorships.
- u. Formulate strategies to ensure sustainable financial backing for cultural initiatives and the well-being of artists and cultural professionals.

SECTION 7. NAGA CITY ARTISTS REGISTRY. The NCCAPO will establish and maintain a registry for artists and cultural workers in Naga City to identify, recognize, and provide support to individuals involved in artistic and cultural endeavors within the city. Eligibility for registration is open to any individual or group that fulfills the specified criteria:

- a. Individuals must have resided in Naga City for a minimum of one year prior to registration.
- b. Demonstrated involvement in artistic or cultural endeavors, supported by evidence such as a portfolio, certifications, or endorsements from esteemed cultural institutions.

SECTION 8. ESTABLISHMENT OF THE NAGA CITY CULTURE AND ARTS COUNCIL. The City Culture and Arts Council (CCAC) is hereby established to function as an advisory and policymaking entity regarding cultural affairs and the promotion of the arts. The Council will consist of the following members:

- a. Chairperson: City Mayor
- b. Chairperson of the SP Committee on Culture and Arts
- c. City Officer for Cultural Affairs and Arts Promotions
- d. City Investment and Tourism Promotions Officer
- e. City Events, Protocol, and Public Information Officer
- f. City Planning and Development Coordinator
- g. City Budget Officer
- h. Superintendent of the City Schools Division
- i. Commission on Higher Education Representative
- j. Technical Education and Skills Development Authority Representative
- k. Chairperson of the Naga City People's Council
- l. President, Naga City Chamber of Commerce and Industry
- m. Chairperson of the CCAC Committee for the Arts
- n. Chairperson of the CCAC Committee for Cultural Heritage
- o. Chairperson of the CCAC Committee for Cultural Dissemination
- p. Chairperson of the CCAC Committee for Traditional Arts and Cultural Communities

SECTION 9. FUNCTIONS OF THE NAGA CITY ARTS AND CULTURE COUNCIL. The Naga City Arts and Culture Council will perform the following functions:

1. Provide guidance to the city government on policies and initiatives concerning arts and culture.
2. Guarantee that cultural policies are in harmony with the City's development agenda.
3. Evaluate and propose grants and financial support for cultural and artistic initiatives.
4. Acknowledge exceptional artists and cultural professionals with awards and commendations.
5. Encourage partnerships among local government, private enterprises, and non-governmental organizations to foster cultural development.

SECTION 10. COMMITTEES AND SUB-COMMITTEES. The CCAC shall establish three (3) primary committees, each consisting of sub-committees, to efficiently address diverse aspects of arts and culture in Naga City. Every committee is authorized to elect its chairperson. The committees, along with their respective sub-committees, memberships, and functions, are outlined as follows:

- a. Arts Committee. The committee will concentrate on the advancement, promotion, and preservation of diverse art forms. The following sub-committees will be established.
 1. Film Sub-Committee.
 2. Dance Sub-Committee
 3. Sub-Committee for Theatre
 4. Visual Arts Sub-Committee
 5. Architecture Sub-Committee
 6. Sub-Committee for Allied Arts
- b. Committee for Cultural Heritage. The committee will concentrate on the preservation, promotion, and interpretation of the cultural heritage of Naga City. The structure will include the following sub-committees:
 1. Sub-Committee for Museums, Libraries, and Archives
 2. Sub-Committee for Art Galleries
 3. Sub-Committee for Tour Groups
 4. Gastronomy Sub-Committee
- c. Committee for Cultural Dissemination. The committee will concentrate on the distribution and advancement of cultural knowledge and education. The structure will include the following sub-committees:
 1. Sub-Committee for Cultural and Historical Education
 2. Language and Translation Sub-Committee
 3. Sub-Committee for Publishing and Communication Arts

SECTION 11. RIGHTS OF ARTISTS AND CULTURAL WORKERS.

The rights outlined below are granted to artists and cultural workers within the territorial jurisdiction of Naga City, acknowledging their significant contributions to the preservation of cultural heritage, artistic innovation, and socio-economic development:

- a. **Right to Creative Autonomy.** Artists and cultural workers have the right to express their creativity freely, without undue censorship, interference, or restriction, as long as such expression respects the rights of others and adheres to existing laws.
- b. **Right to Just Compensation.** Artists and cultural workers are entitled to receive fair and equitable compensation for their services, which encompasses payments for performances, exhibitions, commissioned works, and other artistic or cultural services provided, in accordance with relevant laws and contractual agreements.
- c. **Right to Intellectual Property Safeguarding.** Artists and cultural workers will maintain ownership and moral rights over their original works, which will be safeguarded against unauthorized use, reproduction, distribution, or exploitation in compliance with the Intellectual Property Code of the Philippines and other applicable laws.
- d. **Right to Engage in Government Initiatives.** Artists and cultural workers are entitled to engage in government-sponsored cultural programs, events, and activities, which encompass the exhibition of their works in public spaces and acknowledgment through official platforms.
- e. **Right to Access to Resources.** Artists and cultural workers are entitled to access government-provided resources, including grants, scholarships, financial assistance, and technical support, to support their development and artistic pursuits, contingent upon eligibility criteria and the availability of funds.
- f. **Right to Recognition.** Artists and cultural workers are entitled to public recognition for their contributions to society and culture through awards, grants, commendations, and other forms of acknowledgment provided by the City Government and other pertinent organizations.
- g. **Right to Collaborative Efforts and Cultural Interchange.** Artists and cultural workers have the right to engage in collaborative projects with fellow artists, cultural organizations, and institutions, as well as to participate in local, national, or international cultural exchanges, promoting cross-cultural understanding and mutual enrichment.

- h. **Right to a Secure and Equitable Workplace.** Artists and cultural workers are entitled to operate in environments devoid of harassment, violence, or exploitation, and must not face discrimination based on artistic expression, cultural background, ethnicity, gender, or other legally protected characteristics.
- i. **Right to Organize.** Artists and cultural workers are entitled to establish associations, unions, or organizations aimed at collective bargaining, advocacy, and mutual support, in accordance with the Labor Code and other relevant legislation.
- j. **Right to Capacity Building and Development in a Professional Context.** Artists and cultural workers will have the right to access government-supported capacity-building initiatives, including training programs, workshops, mentorship, and continuing education, designed to enhance their skills and promote career growth.
- k. **Right to Social Protection.** Artists and cultural workers are entitled to access social welfare benefits, which encompass healthcare services, retirement benefits, disability assistance, and financial support during times of unemployment or economic difficulty, in accordance with the legal terms and conditions established.
- l. **Right to Cultural Preservation.** Artists and cultural workers are entitled to engage in the preservation and promotion of Naga City's tangible and intangible cultural heritage, supported by government programs and resources.
- m. **Right to Representation.** Artists and cultural workers shall be granted the right to representation in the formulation of cultural policy, decision-making processes, and governance structures to ensure that their interests and concerns are adequately addressed in public policies and programs.
- n. **Right to Remediation.** Artists and cultural workers have the right to pursue remedies for grievances and to obtain legal support in situations involving disputes, contract breaches, violations of intellectual property rights, or other issues impacting their practice, in accordance with relevant laws.
- o. **Right to Community Involvement.** Artists and cultural workers have the right to actively participate in community-based cultural initiatives and programs that enhance public appreciation of the arts and contribute to societal enrichment.
- p. **Right to sustainable development.** Artists and cultural workers are entitled to engage in sustainable artistic and cultural practices, which encompass environmental, ethical, and community-centered

approaches, with the backing of the City Government and other stakeholders.

- q. **Right to Fair Opportunities.** Artists and cultural workers are entitled to fair access to public and private programs, services, and platforms aimed at supporting the arts and cultural development, thereby promoting inclusivity and diversity in representation.

SECTION 12. SUPPORT FOR THE WELFARE OF ARTISTS AND CULTURAL WORKERS. Subject to availability of funds and resources, the City Government will strive to offer the following types of assistance to registered artists and cultural workers:

1. Funding, whether in the form of monetary support, technical assistance, or in-kind contributions, will be allocated for artistic projects, cultural research, performances, and exhibitions.
2. Regular workshops and training programs will be provided to improve the skills and competencies of artists and cultural workers.
3. The City will allocate resources for the upkeep, enhancement, and establishment of cultural facilities including museums, theaters, and cultural centers.
4. Registered artists and cultural workers will be granted access to health programs, social security, and pension schemes.
5. Registered artists and cultural workers will receive discounted rates for the use of government-owned facilities for artistic or cultural events.
6. Priority will be given to registered artists and cultural workers in the procurement of cultural services for government projects, which encompass public art, performances, and creative services.
7. The City Legal Office will offer legal support to artists and cultural workers in matters concerning contract disputes, copyright issues, and other legal aspects related to their work.
8. The City Government will acknowledge exceptional artists and cultural workers by presenting annual awards and commendations.

SECTION 13. MECHANISMS FOR THE ENJOYMENT OF GOVERNMENT SUPPORT. The subsequent mechanisms are hereby established to guarantee that artists and cultural workers can access the benefits and investments outlined in this ordinance:

1. Legal Credentials

- a. Individuals engaged in the arts and cultural sectors are required to be registered voters of Naga City and must be listed in the Naga City Artists and Cultural Workers Registry.
- b. Applicants seeking grants are required to submit project proposals that are in alignment with the City's cultural objectives.

2. Application Procedure

- a. All applications for grants, benefits, and other support are required to be submitted to the NCCAPO for review.
- b. The NCCAPO will assess applications according to their merit, contributions to cultural development, and adherence to the established requirements.
- c. Applications that have been denied can be appealed to the Naga City Mayor's Office.

SECTION 14. CITY TERTIARY SCHOLARSHIP PROGRAM FOR CULTURE AND ARTS. The Education, Scholarships, and Sports Office, in collaboration with the Scholarship Board, will guarantee that annually, a minimum of fifteen (15) beneficiaries of the City Tertiary Scholarship Program, as established under Ordinance 2010-063 and amended by Ordinance 2013-010, are enrolled in culture and arts courses that are directly aligned with the fields addressed by the Committees and Sub-Committees outlined in Section 7.3 above.

SECTION 15. INCLUSION IN EMERGENCY WORK PROGRAMS OF GOVERNMENT IS ESSENTIAL. Registered artists and cultural workers who are self-employed or sub-professionals facing job loss or reduced income due to economic shocks from disasters, public health emergencies, economic crises, and other related contingencies, as well as those experiencing loss of livelihood or income due to disability, work-related accidents or injuries, unemployment, or work displacements, will be prioritized as beneficiaries of the Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers (TUPAD) and the Expanded Naga City Community Employment Program (NCEEP).

SECTION 16. ESTABLISHMENT OF AN ARTISTS AND CULTURAL WELFARE TRUST FUND. An Artists and Cultural Welfare Trust Fund is hereby established, to be funded from the following sources:

- a. Ten percent (10%) of all revenue generated from Amusement Taxes.
- b. Ten percent (10%) of all income generated from fees for advertisements via tarpaulins.
- c. Contributions from private individuals, organizations, and institutions that advocate for arts and culture.

SECTION 17. UTILIZATION OF THE TRUST FUND. The Artists and Cultural Welfare Trust Fund shall be used for the following purposes:

1. Funding opportunities for artistic and cultural initiatives;
2. Provision of financial support for scholarships in arts and culture programs;
3. Assistance for the social welfare and health initiatives of registered artists and cultural professionals;
4. Development and upkeep of cultural infrastructure and facilities;
5. Providing legal support for artists and cultural professionals regarding contracts and intellectual property rights;
6. Additional purposes for the promotion of culture and arts as defined by the City Culture and Arts Council.

SECTION 18. IMPLEMENTING RULES AND REGULATIONS. The City Arts and Culture Council is tasked with drafting the Implementing Rules and Regulations (IRR) within a period of sixty (60) days following the approval of this Ordinance, which will then be submitted for the City Mayor's approval.

SECTION 19. TRANSITORY PROVISIONS. Until an Executive Order is issued by the City Mayor, the oversight and administration of the Naga City Cultural Affairs and Arts Promotions Office will be the responsibility of the City Events, Protocol, and Public Information Office (CEPPIO).

SECTION 20. FUNDING PROVISIONS. The City Government will allocate an annual budget for the execution of this Ordinance. It will also explore potential funding sources including national grants, private sponsorships, and revenue-generating activities.