

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



23 FEB 15 P5:38

**SENATE**

**S. No. 1889**

RECEIVED BY:

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Introduced by Senator MANUEL "LITO" M. LAPID

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**AN ACT**  
**INSTITUTING POLICIES FOR THE PROTECTION AND PROMOTION OF THE**  
**WELFARE OF WORKERS OR INDEPENDENT CONTRACTORS IN THE FILM,**  
**TELEVISION, AND RADIO ENTERTAINMENT INDUSTRY**

**EXPLANATORY NOTE**

In an article titled *Workers in the Arts and Entertainment Sector published by the Social Protection-Human Rights Organization*, it discussed that workers in the arts and entertainment sector often lack effective access to social protection.

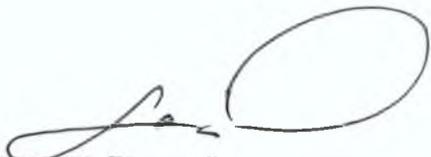
In the context of the Philippines, the lack of or shortage of coverage of the social protection programs in the entertainment industry is due to the weakness and failure of the government to identify and accept the unique characteristics of entertainment work. These include self-employment, temporary or open-ended, part-time or full-time work arrangements with one or more employers, or a mix of these. Furthermore, entertainment work is sometimes characterized by unpredictable revenues and a reliance on consumer or audience demand as well as the season, resulting in an irregular nature of work that is frequently linked with regional, and occasionally worldwide, mobility. The COVID-19 epidemic has taken a heavy toll on entertainment workers, revealing and exacerbating pre-existing inequalities and differences.

*Dahil kinikilala natin ang ambag ng mga manggagawa sa pelikula, telebisyon, radyo at ng kabuuan ng entertainment industry sa ekonomiya, kultura, kamalayan at pambansang kaunlaran, ngayon, higit kailanman, na dapat ipakita ng pamahalaan ang kanyang pagpapahalaga sa kanila sa pamamagitan ng pagkakaroon ng komprehensibong pagsusuri sa kalagayan ng mga nabanggit na industriya gayundin ang pagsisiguro na ang mga manggagawa dito ay may oportunidad, nakabubuhay na sahod, proteksyon laban sa pang aabuso, pananamantala at panganib sa lugar kung saan sila naghahanap buhay at siguraduhing ang kanilang mga karapatan ay iginagalang.*

This measure mandates the government to provide social protection systems for the workers in the entertainment industry. It defines the obligations of companies in the film, television, and radio entertainment industry and require them to prioritize workplace safety and health practices in order to prevent personal injuries, disease, and even death from occurring on the job. It also mandates the companies to provide a safe working environment for all of its employees and ensure that its workers have their insurance and compensation for work-related accidents, sickness, and death.

As a tribute to the actor who is considered as one of the pillars of the Philippine movie and television industry, this bill is called the "Eddie Garcia Law".

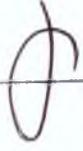
In view of the foregoing, early passage of this bill is earnestly sought.

  
**MANUEL "LITO" M. LAPID**  
*Senator*

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**AN ACT**

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WELFARE OF WORKERS OR INDEPENDENT CONTRACTORS IN THE FILM,  
TELEVISION, AND RADIO ENTERTAINMENT INDUSTRY**

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

SECTION 1. *Short Title.* — This Act shall be known as the "Eddie Garcia Act".

SECTION 2. *Declaration of Policy.* — The State recognizes the economic, social and cultural contributions to nation-building of workers or independent contractors in the film, television, and radio entertainment industry. Towards this end, the State should continually review working conditions to ensure that workers are provided opportunities for gainful employment and decent income, and are protected from abuse, harassment, hazardous working conditions, and economic exploitation.

SECTION 3. *Coverage.* — This Act applies to all workers or independent contractors engaged in the film, television, and radio entertainment industry.

SECTION 4. *Definition of Terms.* — As used in this Act:

- a. *Employer or principal* refers to a person, group of persons or an entity that engages or hires the services of a worker or independent contractor in the film, television, and radio entertainment industry.

- 1           b. *Film, television, and radio entertainment industry* refers to any market  
2           of sound and visual components primarily produced, distributed, and  
3           exhibited for commercial purposes in film, television, and radio, including  
4           any related digital medium.
- 5           c. *Force majeure* refers to an unforeseeable or unavoidable event that  
6           interrupts a film, television, or radio entertainment production and  
7           prevents workers or independent contractors from fulfilling their  
8           obligations relative to the production.
- 9           d. *Lock-in* refers to a condition where a film, television, and radio  
10          entertainment production requires the workers or the independent  
11          contractors to stay within a set or location site for twenty-four (24) hours  
12          or more on a continuous basis.
- 13          e. *Out of town shoot* refers to a set, location, or a distance to be  
14          determined by the Tripartite Council under Section 17 of this Act.
- 15          f. *Worker or independent contractor* refers to any person engaged or hired  
16          by the employer or principal to render services involving the production,  
17          distribution, and exhibition of film, television, and radio entertainment  
18          content. A worker or independent contractor shall be governed by the  
19          provisions of the Civil Code on contracts and other applicable laws, but  
20          not lower than the standards provided under Presidential Decree Ito.  
21          442, or the Labor Code of the Philippines, as amended
- 22          g. *Workplace* refers to any location under the direct or indirect control of  
23          the employer or principal where the film, television, and radio  
24          entertainment content is produced and where workers or independent  
25          contractors need to be present or to go to by reason of their work.

26           SECTION 5. *Agreement or Employment Contract.* — The worker or independent  
27          contractor and the employer or principal shall execute an agreement or an  
28          employment contract in a language or dialect understood by both parties before the  
29          commencement of service. The employer or principal shall provide the worker or  
30          independent contractor a copy of the duly signed contract which shall include the  
31          following:

- 1 a. Job position and status;
- 2 b. Job description;
- 3 c. Period of employment;
- 4 d. Details of compensation and other worker's or independent contractor's
- 5 benefits including rate, method and schedule of payment;
- 6 e. Authorized deductions, if any;
- 7 f. Hours of work and proportionate additional payment or overtime pay;
- 8 g. Board, lodging, and medical attention;
- 9 h. Code of conduct;
- 10 i. Worker's or independent contractor's grievance mechanism;
- 11 j. Employer's or principal's policies; and
- 12 k. Any other lawful condition agreed upon by both parties.

13 No agreement or employment contract shall discriminate against a worker or  
14 independent contractor who has contracts or projects with other outfits, unless  
15 exclusivity is specified in the contract.

16 SECTION 6. *Hours of Work.* — The hours of work of the worker or independent  
17 contractor shall be based on the terms and conditions set in the employment contract  
18 and other stipulations thereto signed with the employer or principal the contents of  
19 which shall be in accordance with the following:

- 20 a. The normal work hours shall be eight (8) hours a day, which can be  
21 extended to a maximum of twelve (12) hours, served intermittently or  
22 continuously, exclusive of meal periods; permissible working hours in  
23 excess of the normal work hours shall be determined by the Tripartite  
24 Council, except for the following:
  - 25 1. Workers or independent contractors aged sixty (60) and above  
26 who shall be allowed, under exceptional circumstances as defined  
27 by the Tripartite Council, to work beyond twelve (12) hours in any  
28 twenty four (24)-hour period; Provided, that said workers or  
29 independent contractors voluntarily execute a waiver in the

1 proper form prescribed by the Department of Labor and  
2 Employment (DOLE); and

- 3 2. Minors whose working hours shall be in accordance with the  
4 pertinent provisions of Republic Act No. 9231, or the "Special  
5 Protection of Children Against Child Abuse, Exploitation and  
6 Discrimination Act".

7 In no case shall the total number of work hours be more than sixty (60)  
8 hours in a week, with exceptions thereto to be determined by the  
9 Tripartite Council;

- 10 b. Work hours include "waiting time" where the worker or independent  
11 contractor is required to stay within the premises of the workplace and  
12 shall be duly compensated. A worker or independent contractor working  
13 on a scheduled shooting day shall be compensated based on work hours  
14 that shall commence upon one's entry into the workplace and until one's  
15 departure from work. Likewise, all time during which the worker or  
16 independent contractor is required to work, including time spent on  
17 ocular work, pre-production and post-production activities are  
18 considered work hours and are compensable. If a scheduled shoot is  
19 cancelled less than twenty-four (24) hours immediately preceding its  
20 approved schedule, all on-call workers or independent contractors  
21 engaged for the day who are outside the premises of the set or location  
22 shall likewise be compensated. Workers or independent contractors may  
23 not be compensated in cases of cancellation due to force majeure;

- 24 c. Work rendered beyond eight (8) hours shall be compensable with  
25 overtime pay and other benefits provided under existing laws, unless a  
26 more favorable rate or fee is stipulated in the contract. For work in  
27 excess of eight (8) hours performed on ordinary working days, the  
28 worker or the independent contractor is entitled to twenty-five percent  
29 (25%) of the hourly rate or fee, unless a more favorable rate is stipulated  
30 in the contract. Additional premium pay shall be provided on overtime  
31 pay performed beyond 10:00 p.m. and during non- working days such

1 as rest days, special holidays, and regular holidays, unless a more shall  
2 likewise be paid a night shift premium of not less than ten percent (10%)  
3 of one's regular wage for each hour of work performed between 10:00  
4 p.m. and 6:00 a.m., unless a more favorable rate or fee is stipulated in  
5 the contract;

- 6 d. Travel time to and from out-of-town projects shall be compensable.  
7 Likewise, travel time to and from out-of-town or base projects shall be  
8 considered compensable working time, especially if the worker or  
9 independent contractor has no choice but to travel as part of one's work  
10 and as required by one's employer or principal; Provided, that during the  
11 worker's or independent contractor's travel time, the worker or  
12 independent contractor cannot gainfully utilize the travel time for one's  
13 own personal purpose, need or benefit.

14 When a worker or independent contractor travels with the equipment  
15 coming from the work station to the project site and vice-versa, travel  
16 time is compensable.

- 17 e. The workers or independent contractors shall be entitled to travel  
18 surcharges or transport services to be provided by the employer or  
19 principal, whichever is applicable;
- 20 f. The employer or principal shall provide a rest period of not less than  
21 twelve (12) hours between the end of work on one day and the  
22 beginning of work on the next day excluding travel time except for  
23 locked-in shoots where the rest period shall be determined by the  
24 Tripartite Council; and
- 25 g. The employer or principal shall give notice to the worker or independent  
26 contractor of any engagement related to the contracted service not less  
27 than forty-eight (48) hours ahead of the schedule

28 SECTION 7. *Wages.* — The minimum wage of a worker or independent  
29 contractor shall not be less than the applicable minimum wage in the region. Wages  
30 shall be paid on time, as agreed upon in the contract, directly to the worker or  
31 independent contractor. The employer or principal shall not make any deductions from

1 the wages unless otherwise required or allowed by law. The employer or principal shall  
2 at all times provide the worker or independent contractor with a copy of the pay slip  
3 containing the amount paid, and indicating all deductions made, if any.

4 SECTION 8. *Social Security and Welfare Benefits.* — The employee shall be  
5 covered by the Social Security System (SSS), the Home Development Mutual Fund or  
6 the Pag-IBIG Fund, and the Philippine Health Insurance Corporation (PhilHealth) upon  
7 employment.

8 The payment of SSS, Pag-IBIG Fund, and PhilHealth monthly contributions shall  
9 be jointly shared by the employee and the employer, when applicable, in accordance  
10 with existing rules and regulations.

11 The employee shall also be entitled to retirement benefits as provided under  
12 Republic Act No. 11199, otherwise known as the "Social Security Act of 2018", and  
13 other existing laws.

14 Coverage with the insurance, retirement and other benefits provided by the  
15 SSS, Pag-IBIG Fund, and PhilHealth shall not preclude employers or principals from  
16 providing social welfare benefits to the worker or independent contractor as may be  
17 agreed upon in the Tripartite Council.

18 SECTION 9. *Basic Necessities.* — The employer or principal shall provide for the  
19 basic necessities of the worker or independent contractor as follows:

- 20 a. Adequate and nutritious meals shall be provided every six (6) hours from  
21 start of work;
- 22 b. Sufficient supply of safe drinking water shall be kept readily accessible  
23 to the workers or independent contractors at all times;
- 24 c. Clean, enclosed, person-with-disability (PWD)-friendly and gender-  
25 considerate toilets with sanitary facilities shall be accessed easily,  
26 whether on location or not. The number of comfort facilities for a given  
27 number of workers or independent contractors shall be in conformity  
28 with the requirements of the Department of Health;

- 1 d. Private dressing rooms, whether on location or not, shall have adequate
- 2 provisions for proper safekeeping of the workers' or independent
- 3 contractors' valuables. There shall be separate dressing rooms for
- 4 workers or independent contractors, child workers, and for each gender;
- 5 e. Safe, clean, comfortable and properly ventilated holding areas with
- 6 emergency exits shall be available for the workers or independent
- 7 contractors during location activities;
- 8 f. Free accommodation that is safe and adequate shall be provided if
- 9 services are required to be rendered in an out-of-town location; and
- 10 g. Dedicated vehicle for emergency purposes shall be readily available in
- 11 the production set.

12 SECTION 10. *Standard of Treatment.* — The employer or principal shall not  
13 subject or allow the worker or independent contractor to be subjected to any kind of  
14 abuse, physical violence or harassment or any act that degrades the dignity of the  
15 worker or independent contractor. The employer or principal shall set in place policies,  
16 rules and regulations to prevent sexual harassment in the workplace in conformity  
17 with the provisions of Republic Act No. 7877 or the "Anti-Sexual Harassment Act of  
18 1995", Republic Act No. 11313 or the "Safe Spaces Act", and Republic Act No. 11036  
19 or the "Mental Health Act". Such policies, rules and regulations shall include  
20 procedures for the resolution of any conflict involving sexual harassment.

21 SECTION 11. *Health and Safety.* — The employer or principal shall strictly  
22 comply with the occupational safety and health standards provided in Republic Act  
23 No. 11058, entitled, "An Act Strengthening Compliance with Occupational Safety and  
24 Health Standards and Providing Penalties for Violations Thereof", and Section 25 of  
25 Republic Act No. 11036, entitled, "An Act Establishing a National Mental Health Policy  
26 for the Purpose of Enhancing the Delivery of Integrated Mental Health Services,  
27 Promoting and Protecting the Rights of Persons Utilizing Psychiatric, Neurologic and  
28 Psychosocial Health Services, Appropriating Funds Therefor, and for Other Purposes.

29 In addition, the occupational safety and health (OSH) officer of the employer  
30 or principal shall conduct a risk assessment of the workplace or location of production

1 to identify and eliminate or control any potential hazard to the film, television, and  
2 radio entertainment workers or independent contractors and shall use the appropriate  
3 safety manual for the industry.

4 The DOLE shall initiate and oversee, in coordination with film, television, and  
5 radio entertainment workers' or independent contractors' organizations and groups,  
6 employers or principals, agencies, and field experts, the formulation, production, and  
7 distribution of the said manual.

8 Notwithstanding, the provisions of the contract between the employer or  
9 principal and a contractor or subcontractor, if any, the provisions of relevant  
10 occupational safety and health legislation and regulations shall apply.

11 The employer or principal shall regularly submit the required occupational  
12 safety and health reports, including timely notification of production location and  
13 schedule to the DOLE-regional office with jurisdiction over the area where the  
14 workplace is located.

15 SECTION 12. *Employment of Minors.* — The employer or principal shall strictly  
16 adhere to the provisions of Republic Act No. 7610 or the "Special Protection of Children  
17 Against Child Abuse, Exploitation and Discrimination Act, and Republic Act No. 9231  
18 or the "Elimination of the Worst Forms of Child Labor and Affording Stronger Protection  
19 for the Working Child Act"

20 SECTION 13. *Insurance.* — All workers or independent contractors shall be  
21 adequately insured by the employer or principal for work-related accidents or death  
22 in every film, television, and radio entertainment production.

23 SECTION 14. *Right to Self-organization and Collective*  
24 *Bargaining.* — Workers or independent contractors in the film, television, and radio  
25 entertainment industry shall have the right to form, join, or assist in the formation of  
26 a labor organization of their own choosing for purposes of collective bargaining, for  
27 mutual aid benefit, and to engage in concerted activities which are not contrary to  
28 law.

1 SECTION 15. *Prohibition on Cabo System.* — Any person, group of persons, or  
2 labor group acting as a labor contractor or engaging in the "Cabo" system, or  
3 otherwise engaging in any activity prohibited by law, shall constitute grounds for  
4 cancellation of union organization's registration.

5 SECTION 16. *Settlement of Disputes.* — All labor-related disputes shall be  
6 elevated to the DOLE regional office with jurisdiction over the workplace.

7 SECTION 17. *Film, Television, and Radio Entertainment*  
8 *Industry Tripartite Council.* — The DOLE shall initiate the creation of the Film,  
9 Television, and Radio Entertainment Industry Tripartite Council that shall serve as a  
10 link among various stakeholders such as employers or principals, workers or  
11 independent contractors, cinematographers, artists, directors, assistant directors,  
12 composers and writers, production designers, animators, talent managers,  
13 videographers, photographers, digital radio technology experts, television and radio  
14 entertainment, radio drama casts, digital creators, make-up artists, professional  
15 speakers, stunt persons, camera men, background performers, and non-government  
16 organizations concerned with labor issues. It shall also provide the film, television, and  
17 radio entrainment industry with a platform for the employers or principals and workers  
18 or independent contractors to represent their respective groups in the crafting of policy  
19 decisions that will affect them and the industry as a whole, and serve as an avenue to  
20 express their aspirations, present their programs or bridge gaps in cases of conflict  
21 among them, subject to the accreditation of the DOLE.

22 SECTION 18. *Rights to Remuneration.* — The rights of a performer over  
23 intellectual property, consisting of the performer's performance on all film, radio or  
24 television production, shall at all times be protected and secured under this Act,  
25 pursuant to the provisions of Republic Act 8293 or the Intellectual Property Code, as  
26 amended. Contracts or engagement agreements may stipulate that the performer  
27 transfers exclusive intellectual property rights in favor of the employer or principal:  
28 Provided, that a performer shall enjoy the inalienable right to participate in the gross  
29 proceeds of any subsequent use or broadcasting of such performance or intellectual  
30 property to the extent of five percent (5%) as additional remuneration.

1           SECTION 19. *Information and Education Campaign.* — The Intellectual Property  
2 Office of the Philippines, DOLE, and the Philippine Information Agency, and other  
3 pertinent national government agencies shall implement and initiate the information  
4 and education campaign on the protection of the intellectual property rights of workers  
5 or independent contractors in the film, television, and radio entertainment industry,  
6 as enshrined in Republic Act No. 8293 or the "Intellectual Property Code of the  
7 Philippines.

8           SECTION 20. *Effect on Existing Company Policies and Contracts or Collective*  
9 *Bargaining Agreements (CBAs).* — The minimum benefits provided in this Act shall be  
10 without prejudice to any existing company policy, contract or BA providing better  
11 terms and conditions of employment.

12           SECTION 21. *Implementing Rules and Regulations.* — Within ninety (90) days  
13 from the effectivity of this Act, the Secretary of the DOLE, in consultation with  
14 stakeholders, concerned government agencies, and non-government organizations  
15 shall promulgate the necessary rules and regulations for the effective implementation  
16 of this Act.

17           SECTION 22. *Separability Clause.* — In the event that any part, section or  
18 provision of this Act shall be declared unconstitutional or invalid by a competent court,  
19 the remaining provisions thereby shall remain valid and in full force and effect as if  
20 the sections or provisions so annulled or voided had never been incorporated herein.

21           SECTION 23. *Repealing Clause.* — All laws, decrees, executive orders,  
22 issuances, rules and regulations, or parts thereof not consistent with the provisions of  
23 this Act are hereby repealed or modified and/or superseded as case may be by this  
24 Act accordingly.

25           SECTION 24. *Effectivity.* — This Act shall take effect fifteen (15) days after its  
26 complete publication in the Official Gazette or in at least two (2) newspapers of general  
27 circulation, whichever comes earlier.

28           *Approved,*