

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

25 FEB -3 12:00

SENATE
S. No. 2973

RECEIVED



(In substitution of Senate Bill No. 2686)

Prepared and submitted by the Committees on Culture and the Arts; Civil Service, Government Reorganization and Professional Regulation; Ways and Means; and Finance with Senators Legarda, Revilla, Gatchalian, and Poe as authors thereof.

AN ACT
REORGANIZING AND RENAMING THE NATIONAL ARCHIVES OF THE
PHILIPPINES TO THE NATIONAL ARCHIVES AND RECORDS
MANAGEMENT AUTHORITY, REPEALING FOR THE PURPOSE
REPUBLIC ACT NO. 9470, OR THE NATIONAL ARCHIVES OF THE
PHILIPPINES ACT OF 2007

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

ARTICLE I
GENERAL PROVISIONS

Section 1. *Short Title.* — This Act shall be known as the "National
Archives and Records Management Authority (NARMA) Act".

1 **Sec. 2. Declaration of Policy.** — It is the policy of the State to pursue,
2 protect, conserve, promote, and popularize the nation's historical and cultural
3 heritage and resources, including the documentary records of Filipino culture,
4 history, and governance.

5
6 The State shall give utmost priority for the safeguard, protection and
7 preservation of its public documents and records, not only as fundamental
8 instruments for efficient and effective governance but also as essential tools
9 for the preservation of the country's history and cultural memory.

10
11 Towards this end, all public records with enduring value, held by
12 government offices, including, but not limited to, all branches of government,
13 constitutional offices, local government units (LGUs), government-owned or -
14 controlled corporations (GOCCs), State and Local Universities and Colleges
15 (SLUCs), Philippine Embassies, consulates, and other Philippine offices abroad
16 shall be transferred to a permanent government repository for proper
17 management, control, and regulation of record disposition.

18
19 **Sec. 3. Objectives.** — This Act seeks to achieve the following
20 objectives:

- 21
22 a) Strengthen the management and administration of public records
23 and archives, including electronic records;
24
25 b) Mandate accountability for creating, maintaining, and preserving full
26 and accurate records of all government policies and actions;
27
28 c) Ensure the systematic and timely disposal of valueless records;
29
30 d) Enhance public confidence in the integrity of public record-keeping
31 and management;
32

- e) Ensure the accessibility of public records relevant to the promotion and preservation of Philippine cultural heritage and the people's right to information;
- f) Protect, preserve, conserve, and promote the nation's documentary heritage in both the public and private sectors;
- g) Support the safekeeping of private archives; and
- h) Strengthen the role of NARMA in developing and supporting government record-keeping and archival management.

Sec. 4. Scope. — This Act shall cover all records, as defined in this Act, held in both government offices or private collections, as well as archival and records management programs and activities in all branches of government, including LGUs and regional governments, constitutional offices, and other government instrumentalities.

Sec. 5. Definition of Terms. — For purposes of this Act, the following definitions shall hereby apply:

- a) **"Agency Records Center"** refers to the storage of non-current records to be managed and operated by each government office concerned or by a private entity contracted by a government agency, as approved by NARMA;
- b) **"Approved repository"** refers to a repository to be established by the Director General, provided under this Act;
- c) **"Appraisal"** refers to the systematic study of records to determine their archival value and the need for preservation;

1 d) **"Archives"** refer to:

2
3 1) Public records, papers, periodicals, books, or other items, articles
4 or materials, whether in the form of electronic, audio-visual, print,
5 or other forms, which by their nature and characteristics have
6 enduring value, that have been selected for permanent
7 preservation;

8
9 2) The place (building/room/storage area) where archival materials
10 are kept and preserved; and

11
12 3) An organization (or part of an organization) whose main function
13 is to select, collect, and preserve archival records and make such
14 records available for public use;

15
16 e) **"Archival Materials"** refer to records, papers, periodicals, books,
17 or other items, whether in electronic, audio-visual, print, or in other
18 formats, that possess archival value based on their nature and
19 characteristics;

20
21 f) **"Archival Value"** refers to the lasting significance or usefulness of
22 records, based on the administrative, legal, fiscal, evidential, or
23 historical information they contain, which justifies their continued
24 preservation;

25
26 g) **"Controlling government agency"** refers to:

27
28 1) Public office that controls the public records;

29
30 2) Public office that has the power to determine the conditions of
31 access to the public archives; and

1 3) Any successor of a public office that is abolished, merged, or
2 reorganized;

3
4 h) **"Controlling Local Government"** refers to:

5
6 1) The LGU that has custody and control over the local government
7 records; and

8
9 2) Any successor to the LGU that is abolished, merged, or
10 reorganized;

11
12 i) **"Director General"** refers to the head of NARMA;

13
14 j) **"Disposal"** is the act of discarding or destroying valueless records
15 in accordance with the provisions of this Act;

16
17 k) **"Disposition"** refers to the systematic process of managing records
18 in office storage, ensuring that valuable records are permanently
19 preserved while valueless records are properly disposed of;

20
21 l) **"Electronic Records"** refer to information recorded in a machine-
22 readable format, including records that are created, captured,
23 generated, sent, received, or stored in electronic record systems;

24
25 m) **"Estray record"** refers to a public record that is no longer under the
26 custody and control of NARMA or any controlling government office;

27
28 n) **"Government Office"** refers to any public office within all
29 branches, subdivisions, instrumentalities, agencies, and entities of
30 the government, including but not limited to: National Government
31 Agencies (NGAs), constitutional offices, LGUs, GOCCs, SLUCs, courts,
32 legislative and judicial offices, local water instrumentalities, Philippine

embassies, consulates, other Philippine offices abroad, and other government instrumentalities;

o) **"Head of Office"** refers to the individual accountable for the overall performance of a government office or, in the case of an LGU, the local chief executive;

p) **"Important Archival Cultural Property"** refers to a record of archives that has exceptional cultural, artistic, and historical significance to the Philippines, and has been officially declared as such by law or by NARMA;

q) **"Judicial records"** refer to records submitted to or maintained by the Supreme Court, including those of all judicial courts and organizations under its jurisdiction;

r) **"Legislative records"** refer to records submitted to or maintained by the Philippine Senate, the House of Representatives, their committees, or attached offices;

s) **"Local government archives"** refer to local government records that have been collected by the controlling LGU that served as historical evidence in the performance of its duties;

t) **"Local Government Records"** refer to records in any form, in whole or in part, created or received by an LGU in the conduct of its affairs, whether before or after the effectivity of this Act;

u) **"Metadata"** refers to the context and characteristics of electronic documents, which provide information about the location of the document, its author, and the date it was created, and other relevant details that enable its organization, identification, and management;

- 1
- 2 v) **"National Archival Cultural Treasure"** refers to a unique archival
- 3 record found locally that possesses outstanding historical, cultural,
- 4 artistic, and/or scientific value, is highly significant to the nation, and
- 5 has been officially declared as such by law or by NARMA;
- 6
- 7 w) **"Non-current Records"** refer to files related to completed or
- 8 closed transactions that are no longer needed for ongoing agency
- 9 operations. However, they may be preserved and accessed
- 10 occasionally for legal, historical, or operational purposes;
- 11
- 12 x) **"Open Access Records"** refer to public records, whether in the
- 13 custody and control of the controlling government agency or NARMA,
- 14 which have been in existence for at least thirty (30) years, and to
- 15 which public access has not been otherwise prohibited by the
- 16 controlling government office or NARMA, as the case may be;
- 17
- 18 y) **"President"** refers to the President of the Republic of the
- 19 Philippines;
- 20
- 21 z) **"President's papers"** refer to records and other documentary
- 22 materials created or received by the President, the President's
- 23 immediate staff, or a unit or individual under the Office of the
- 24 President whose function is to advise or assist the President during
- 25 his/her incumbency;
- 26
- 27 aa) **"Private archives"** refer to records with archival value belonging to
- 28 private individuals and/or entities;
- 29
- 30 bb) **"Protected record"** refers to local government records that contain
- 31 data deemed crucial for economic, social, political, legal, national
- 32 security, scientific, cultural, technological, or other purposes. These

1 records are essential for researching and understanding history,
2 ensuring the continuity of public duties, and upholding citizens'
3 rights. They are not, or are only partially, available from other
4 sources;

5
6 cc) "**Public Access Registry**" refers to a publicly available register that
7 provides information on access to public records, including any
8 restrictions or instances of unauthorized disclosure;

9
10 dd) "**Public Archives**" refer to:

- 11
12 1) Public records that are determined to have archival value; and
13
14 2) Private archives that are acquired by NARMA under the provisions
15 of this Act, as well as any private archives acquired by any
16 government office;

17
18 ee) "**Public records**" refer to records or classes of records, in any form,
19 in whole or in part, created or received by a government agency in
20 the conduct of its affairs, whether before or after the effectivity of
21 this Act, and have been retained by that government agency or its
22 successors as evidence or because of the information contained
23 therein;

24
25 ff) "**Records**" refer to recorded information in whatever format
26 produced or received in the initiation, conduct, or completion of an
27 institutional or individual activity and that comprises content,
28 context, and structure sufficient to provide evidence of the activity;

29
30 gg) "**Records center**" refers to an intermediate repository in which non-
31 current records of various government offices are stored until they
32 can be destroyed or transferred to NARMA;

1
2 hh) "**Records management**" refers to the managerial activities
3 involved with respect to records creation, records maintenance and
4 use, transmission, retention, and records disposition in order to
5 achieve adequate and proper documentation of policies and
6 transactions of government for its efficient, effective, and economical
7 operation;

8
9 ii) "**Records Office**" refers to an organizational unit responsible for
10 planning, developing, prescribing, disseminating, and enforcing
11 policies, rules and regulations, and coordinating the agency-wide
12 records management program;

13
14 jj) "**Repository**" refers to a facility determined by a government office
15 for the appropriate maintenance and storage of public records;

16
17 kk) "**Restricted access records**" refer to records that are withheld
18 from public access due to legal impediments or pursuant to a
19 standard or directive issued by the Director General;

20
21 ll) "**Standards**" refer to circulars and orders issued by the Director
22 General in accordance with the provisions of this Act;

23
24 mm) "**Vital records**" refer to records containing information essential
25 for emergency operations during a disaster, the resumption or
26 continuation of operations, the re-establishment of an organization's
27 legal, financial, or functional status, and the determination of the
28 rights and obligations of individuals and corporate entities in relation
29 to the organization; and

30
31 nn) "**Vice President's Papers**" refer to records and other documentary
32 materials created or received by the Vice President, the Vice

1 President's immediate staff, or a unit or individual under the office of
2 the Vice President whose function is to advise or assist the Vice
3 President during his or her incumbency.
4

5 **ARTICLE II**
6 **PURPOSE, OTHER PRELIMINARY PROVISIONS,**
7 **AND KEY ADMINISTRATIVE PROVISIONS**
8

9 **Sec. 6. *NARMA as an Independent Agency.*** — NARMA shall be an
10 independent agency attached to the National Commission for Culture and the
11 Arts (NCCA) exclusively for cultural program coordination.
12

13 **Sec. 7. *Powers and Functions.*** —
14

15 a) The following are the powers of NARMA:
16

- 17 1) Sole Authority – NARMA shall serve as the sole authority in
18 government records management and archives administration.
19
- 20 2) Policy and Regulation – It shall plan, develop, prescribe,
21 disseminate, and enforce policies, rules, and regulations, as well
22 as coordinate government-wide programs on the creation,
23 protection, use, storage, and disposition of public records. This
24 includes the acquisition, storage, and preservation of public
25 archives, along with the provision of facilities for reference,
26 research, and other purposes.
27
- 28 3) Protection and Regulation – NARMA shall be the primary
29 government agency responsible for the protection, conservation,
30 designation, and regulation of public and private archives,
31 including archival cultural properties.
32

1 b) The following are the functions of NARMA:
2

- 3 1) Records Preservation and Restoration – Classify, identify,
4 preserve, and restore public records.
5
- 6 2) Archival Facilities – Acquire or facilitate the acquisition of
7 permanent and suitable buildings to house the country's archival
8 holdings and public records.
9
- 10 3) Research – Conduct archival research using both domestic and
11 international archival materials.
12
- 13 4) Records Management and Disaster Preparedness – Develop and
14 implement a records management and archival administration
15 program for the efficient creation, utilization, maintenance,
16 retention, preservation, conservation, and disposal of public
17 records. This includes adopting security measures and a vital
18 records protection program to support disaster preparedness and
19 business continuity in government.
20
- 21 5) Technical Assistance – Provide technical assistance to
22 government offices and the private sector on records storage, as
23 well as in the planning, implementation, and evaluation of their
24 records management and archives administration programs.
25
- 26 6) Training and Accreditation – Conduct and accredit training
27 programs on records and archives management, including the
28 establishment of an archival system for both the public and
29 private sectors.
30
- 31 7) Fees for Services Rendered - Impose and collect reasonable fees,
32 charges, or assessments for services rendered, permits issued, or

1 regulatory functions performed in accordance with its mandate,
2 subject to existing laws, rules, and regulations: Provided, That
3 such fees and charges shall be reviewed periodically to ensure
4 their reasonableness and relevance to NARMA's objectives.

5
6 8) Cultural Heritage Oversight – Oversee public and private archives
7 in relation to cultural heritage preservation, conservation,
8 protection, and regulation.

9
10 9) Acquisition of Archival Records – Acquire public records, private
11 archives, and all other records deemed to have archival value
12 through sale, donation, expropriation, or other legal means of
13 transfer.

14
15 10) Enforcement and Sanctions – Impose administrative fines and
16 sanctions for violations of its rules and orders issued pursuant to
17 this Act. NARMA shall have the authority to:

- 18 a. Investigate offenses;
19 b. Issue subpoenas;
20 c. Administer oaths;
21 d. Take testimony;
22 e. Issue cease-and-desist orders; and
23 f. Hold individuals or entities in contempt for obstruction or
24 refusal to comply with lawful directives.

25
26 11) Preservation of Government Archives – Ensure the preservation
27 and conservation of existing and future archival resources of the
28 government.

29
30 12) Public Records Access and Certification – Issue, transmit, and/or
31 reproduce copies, certified true copies, or certifications of public

1 archives or extracts thereof, in accordance with the provisions
2 of this Act and other applicable laws on access.

3
4 13) Public Records Registry – Maintain a registry of all public records
5 under NARMA’s custody and control, which shall be made
6 available for public inspection.

7
8 14) Custody and Management of Public Archives – Obtain custody
9 and management of all public archives, both physical and
10 digital, that are not yet under NARMA’s control. The transfer of
11 custody shall follow established legal and procedural guidelines.

12
13 15) Acceptance and Conservation of Public Archives – Accept, store,
14 preserve, and conserve any public archive transferred to
15 NARMA.

16
17 16) Regional Archives and Records Centers – Establish, maintain,
18 and operate regional archives and records centers with
19 complementary preservation facilities and other related
20 infrastructure.

21
22 17) Digital Records Management – Develop and implement policies,
23 programs, and technologies to enhance the storage,
24 reproduction, and preservation of public records in electronic
25 and digital formats. This includes ensuring:

26 a) Authenticity, reliability, and accessibility of electronic
27 records;

28 b) Security and compliance with international records
29 management standards; and

30 c) The use of data analytics, data modeling, and futures
31 thinking to improve efficiency, inform evidence-based

1 decision-making, and promote transparency.

2
3 18) Special Archives and Institutes – Establish special archives and
4 research institutes as necessary.

5
6 19) Publications and Distribution – Prepare, publish, sell, or
7 otherwise distribute materials related to public archives,
8 NARMA’s activities, facilities, and services, subject to copyright
9 laws and terms and conditions of acquisition.

10
11 **Sec. 8. Management of NARMA.** — NARMA shall be headed by a
12 Director General who shall be assisted by three (3) Deputy Directors-General:
13 Deputy Director-General for Records Management; Deputy Director-General for
14 Archives Administration; and Deputy Director-General for Administrative,
15 Finance, and Support Services.

16
17 The regional offices shall operate under the supervision of the Director
18 General and the Deputy Directors-General, with the support of at least one (1)
19 Regional Director per administrative region. Each Regional Director shall hold
20 Career Executive Service (CES) eligibility or its equivalent, in accordance with
21 existing civil service laws and regulations.

22
23 Each Regional Director shall be assisted by an Assistant Regional
24 Director. Both the Regional Director and Assistant Regional Director shall be
25 appointed by the Director General based on merit, qualifications, and
26 performance.

27
28 **Sec. 9. The Director General.** — The Director General shall serve as
29 the National Archivist of the Republic of the Philippines, with the rank and
30 emoluments of a Department Undersecretary. The President shall appoint the
31 Director General based on the following minimum qualifications:
32

- 1 a) A Filipino citizen;
- 2
- 3 b) A holder of a master's degree in archival studies, arts, history,
- 4 humanities, social studies, political science, sociology, public
- 5 administration, library science, information management; a law
- 6 degree; or another related field of study;
- 7
- 8 c) At least ten (10) years of experience, preferably in records
- 9 management and archives administration; and
- 10
- 11 d) No prior conviction for any criminal or administrative offense.
- 12

13 The Director-General shall serve a fixed term of seven (7) years. In the

14 event of a vacancy during the term, the newly appointed successor shall serve

15 only the unexpired portion of the predecessor's term but may later be

16 reappointed for a full seven-year term.

17

18 **Sec. 10. *The Deputy Directors-General.*** — The Deputy Directors-

19 General shall have the ranks and emoluments of an Assistant Secretary. The

20 three (3) Deputy Directors-General shall be career officials appointed by the

21 President.

22

23 No person shall be appointed or designated as Deputy Director-General

24 of NARMA unless he/she possesses the following minimum qualifications:

25

- 26 a) A Filipino citizen;
- 27
- 28 b) A holder of a master's degree in archival studies, arts, history,
- 29 humanities, social studies, political science, sociology, public
- 30 administration, library science, information management; a law
- 31 degree; or a related field of study;
- 32

- c) At least five (5) years of experience in records management and archives administration; and
- d) Career executive service eligibility; and
- e) No prior conviction for any criminal or administrative offense.

Sec. 11. *Functions and Powers of the Director-General.* — The Director General shall have the following functions and powers:

- a) Establish policies, standards, and guidelines related to public records management and archives administration programs;
- b) Inspect, examine, identify, and determine records of government agencies and classify and preserve those which are of permanent or enduring historical value;
- c) Advise on the creation, management, storage, use, and proper disposition of physical and digital public records;
- d) Direct and determine the necessary standards for the disposition of public records;
- e) Take suitable measures in preserving and conserving archival materials, which are under the custody of NARMA, government offices, and private archives;
- f) Acquire through transfer, donation, purchase, expropriation, or any other means public records and private archives, which have archival value;

- 1 g) Determine and establish measures on access and use of public
2 archives;
- 3
- 4 h) Provide maintenance and security for public records in the custody
5 and control of NARMA;
- 6
- 7 i) Report to the President any loss of public records in the custody and
8 control of NARMA;
- 9
- 10 j) Enter into agreements with local and international archival or
11 historical institutions to acquire or reproduce original documents or
12 archival materials, thereby enhancing the archival and historical
13 holdings of the Philippines;
- 14
- 15 k) Establish and implement government-wide programs on public
16 records and archives to strengthen disaster preparedness and ensure
17 business continuity;
- 18
- 19 l) Establish linkages and networks with local and international
20 organizations involved in records management and archives
21 administration;
- 22
- 23 m) Design, construct, purchase, lease, maintain, operate, protect,
24 conserve, restore, and improve buildings and other acquired facilities
25 for use by NARMA;
- 26
- 27 n) Appoint as a consultant any person who possesses the ability and
28 expertise to carry out archival research, documentation work, or any
29 activities deemed necessary by the Director General;
- 30
- 31 o) Review or facilitate the review of classified records under the custody
32 and control of NARMA;

1
2 p) Inspect the contents of classified records and, in accordance with
3 existing laws, issuances, and regulations on classified documents,
4 declassify or reclassify those under NARMA's custody and control.
5

6 q) Cite responsible official/s in contempt for any violations of this Act;
7 and
8

9 r) Perform such other functions as may be necessary for the proper and
10 effective management of NARMA and to fully implement this Act.
11

12 **Sec. 12. *Optimization.*** — The Director General shall have the
13 authority to reorganize the structure of the National Archives of the Philippines
14 (NAP), including its staffing pattern, to effectively fulfill its expanded mandate
15 as NARMA. This reorganization shall be governed by the policies and guidelines
16 of the Department of Budget and Management (DBM) and the Civil Service
17 Commission.
18

19 **Sec. 13. *Establishment of an Archival Conservation Laboratory.***
20 — NARMA shall establish an archival conservation laboratory equipped with
21 advanced paper conservation tools and equipment to ensure the continued
22 preservation of its archival collection.
23

24 **Sec. 14. *Establishment of Regional Offices.*** — NARMA shall
25 establish, operate, and maintain regional offices to perform active and inactive
26 records management and archives administration and preservation activities in
27 each administrative region.
28

29 The regional offices shall operate regional records centers and regional
30 archives, with complementary storage facilities and archives preservation
31 facilities.
32

1 **Sec. 15. Trust Fund.** — A NARMA Trust Fund shall be established,
2 which shall be sourced from fees, fines, and other income generated from
3 operations incidental to NARMA's functions. The trust fund shall be used
4 exclusively for NARMA programs, activities, acquisitions, infrastructure,
5 improvement, travels, training abroad, and analogous expenses subject to
6 existing government accounting and auditing rules.

7
8 **Sec. 16. Retention of Income and Disposition of Donated**
9 **Funds.** — Income that accrues to NARMA from all sources of its operations
10 shall be placed in the NARMA Trust Fund and may accumulate for disbursement
11 in future fiscal years, if not used within the fiscal year in which such income
12 was generated.

13
14 Donations of money to NARMA shall also be placed in the NARMA Trust
15 Fund, to be disbursed according to the terms and purposes of the respective
16 deeds of donation, or disbursed for any purpose that benefits NARMA, as may
17 be determined by the Director General, if no specific purposes are stipulated in
18 the deeds of donation.

19
20 The handling and accounting of such donations shall be subject to rules
21 and regulations to be prescribed by NARMA in agreement with the Commission
22 on Audit within six (6) months after the effectivity of this Act.

23
24 **Sec. 17. Exemption from Taxes, Duties, Fees, and Charges.** —
25 Subject to the relevant provisions of the National Internal Revenue Code (NIRC)
26 of 1997, as amended, NARMA shall be exempt from import taxes and tariff
27 duties on all art and display materials, equipment, and other resources directly
28 used for its non-profit programs. These include, but are not limited to, the
29 acquisition and proper management of archival records, the purchase of public
30 records, and the procurement of necessary chemicals and materials for their
31 preservation or restoration, as well as exhibit and technical equipment,
32 including films.

Donations and legacies to NARMA shall be exempt from donor's tax, estate tax, and inheritance tax. Further, such donations shall be considered an allowable deduction from the donor's gross income in the computation of income tax, in accordance with NIRC, as amended.

ARTICLE III

THE PUBLIC RECORDS MANAGEMENT SYSTEM

Sec. 18. *Objectives of Records Management.* — NARMA shall lead the establishment of the records management standards and procedures to be implemented by all government offices, with particular attention to their peculiar needs and operations. Such records management standards and procedures shall seek to pursue and implement the following objectives:

- a) Accurate and complete documentation of the policies and transactions of all government offices;
- b) Assessment and control of the quantity and quality of public records generated by a government office;
- c) Establishment and maintenance of control mechanisms for records creation to prevent unnecessary record generation and promote the efficient and cost-effective operation of government offices;
- d) Simplification of activities, systems, and processes of records creation, maintenance, use, and disposition of records;
- e) Judicious preservation and disposition of public records;
- f) Direction of continuous attention on records from their initial creation to their final disposition;

- 1
- 2 g) Increase in capacity of electronic and digital forms in the
- 3 maintenance, storage, reproduction, and preservation of public
- 4 records; and
- 5 h) Establishment and maintenance of such other systems or techniques
- 6 as NARMA considers necessary to carry out the policies and
- 7 objectives of this Act.
- 8

9 **Sec. 19. *Establishment of Records Offices in Government***

10 ***Agencies.*** — Within one (1) year from the effectivity of this Act, all government

11 agencies or offices, as defined herein, shall establish, depending on the

12 organizational structure, a records office/unit/section/or division, with its

13 corresponding plantilla positions, in coordination with DBM and NARMA. It shall

14 be headed by a records officer, who may also be an archivist who shall be

15 responsible for ensuring compliance with the regulations and guidelines issued

16 by NARMA.

17

18 **Sec. 20. *Establishment of Agency Records Centers.*** — All

19 government offices shall establish their agency records center for the

20 maintenance and control of non-current records under their custody.

21

22 **Sec. 21. *System of Registration and Accreditation.*** — Pursuant to

23 this Act, NARMA shall establish a comprehensive system for the registration

24 and accreditation of public and private archives nationwide. This system shall

25 include mechanisms for regularly updating archives on the latest methods,

26 techniques, and procedures in records management, as well as requiring the

27 annual submission of reports on the status and management of their archival

28 holdings.

29

30 **Sec. 22. *Public Access Registry.*** — All government offices shall

31 regularly conduct an inventory of their public records and maintain a public

32 access registry containing the following information:

- 1
- 2 a) Public records under the government office's custody;
- 3
- 4 b) Public records transferred to NARMA;
- 5
- 6 c) Public records lawfully disposed of with NARMA's authorization; and
- 7
- 8 d) Deferred transfers of public records.

9 In addition, the public access registry shall include details on:

- 10 a) Restrictions on public access to public records;
- 11
- 12 b) Prohibitions on accessing public archives or protected records under
- 13 the control of the Director General; and
- 14 c) The legal grounds for such prohibitions and restrictions.
- 15

16 The heads of all government offices concerned shall ensure the full

17 public accessibility of said registry.

18

19 **Sec. 23. *General Records Disposition Schedule (GRDS).*** —

20 NARMA shall develop a GRDS that shall prescribe the disposal of public records

21 common to all government offices.

22

23 **Sec. 24. *Records Disposition.*** — Every disposition action on a public

24 record must strictly be in accordance with the GRDS and agency records

25 disposition schedule, whenever applicable, as submitted to and approved by

26 NARMA.

27

28 **Sec. 25. *Agency Records Disposition Schedule.*** — All government

29 offices shall, after a periodic appraisal and review of its inventory of public

30 records at a frequency to be determined by NARMA, submit an agency records

31 disposition schedule covering other public records not covered by the GRDS.

1
2 **Sec. 26. Disposal of Public Records.** — No government office shall
3 dispose, or authorize the disposal, of any public record under its custody or
4 control, except with the prior written authority of NARMA.
5

6 **Sec. 27. Authority for the Disposition of Public Records.** —
7

8 a) The Director General shall authorize in writing the disposition of a
9 public record, such as:

10
11 1) Transferring control or custody of the public record to another
12 government office;
13

14 2) Transferring control or custody of the public record to the Director
15 General;
16

17 3) Destroying the valueless public record; or
18

19 4) Selling the valueless public record.
20

21 b) Before authorizing the disposition of a public record under subsection
22 (a), the head of a government office shall give the Director General
23 at least Thirty (30) days' notice prior to:
24

25 1) The intention to transfer control of the public record, with a
26 general list and description of the public record concerned;
27

28 2) The intention to dispose of the public record, with a general list
29 and description of the public record concerned; and
30

- 1 3) The place where additional information may be obtained on the
2 public record concerned and the person to whom any comments
3 may be sent.
4

5 **Sec. 28. *Transfer of Public Records to NARMA.*** — Heads of
6 government offices shall cause the transfer of the following public records,
7 under their control and custody, to the control and custody of NARMA:
8

- 9 a) Archival materials or collections of any government office that are
10 more than thirty (30) years old and have national or historical
11 significance, as determined by NARMA, including but not limited to:
12

- 13 1) As-built plans of government-owned buildings, bridges, and
14 similar infrastructure projects implemented by the Department of
15 Public Works and Highways and other government offices; and
16

- 17 2) Non-current public records of a government office with thirty (30)
18 years or more retention periods, including inactive personnel
19 records which are often referred to as the 201 files.
20

- 21 b) Any public record, regardless of age, that have archival value to
22 warrant its preservation;
23

- 24 c) Public records of a government office that ceases to exist as a public
25 office, or ceases to exercise a function to which its public records
26 relate, unless otherwise provided by law;
27

- 28 d) President's and Vice-President's papers;
29

- 30 e) Civil Registry records that are over one hundred (100) years old; and
31

1 f) Other public records which may be transferred at the option of the
2 heads of government agencies, subject to the acceptance of such
3 records by NARMA.
4

5 Further, nothing in this section shall be deemed to authorize the transfer
6 of classified records, census, and civil registry data without the prior written
7 consent of the head of the government office responsible for their control and
8 custody.
9

10 Furthermore, nothing in this section shall be construed as modifying or
11 extending existing copyright laws.
12

13 Public records that shall be surrendered on demand:
14

15 a) Public records in the possession of a private individual who has been
16 granted special permission to keep and handle them in the course of
17 official duties, and which, in the opinion of the Director General, have
18 or are likely to have permanent archival value, shall be surrendered
19 to the custody and control of NARMA upon the Director General's
20 demand; and
21

22 b) A public record, which is demanded, need not be surrendered if the
23 head of the concerned government office has permitted the person
24 referred to in the immediately preceding subsection to retain
25 possession of the record.
26

27 ***Sec. 29. Turnover of Presidential and Vice-Presidential Papers.***

28 — The President's and Vice-President's papers, as defined under this Act, shall
29 be transferred to the custody of NARMA within one (1) year from the end of
30 their respective terms.
31

1 **Sec. 30. *Deferred Transfer of Records.*** — The Director General may
2 defer the transfer of any public records when, upon his or her determination,
3 the immediate transfer of such shall prejudice the administration of any
4 government office or would be contrary to public interest.

5
6 The Director General may also defer the transfer of any public records
7 due to logistical concerns, pending legal issues over such records, or failure of
8 the government office to comply with any procedure and conditions for transfer
9 that NARMA may set out.

10
11 The requirement to transfer public records does not apply in the
12 following circumstances:

- 13
14 a) Public records whose disposition is governed by specific acts, laws,
15 regulations, or orders issued by a competent court, quasi-judicial
16 body, or investigatory body;
17
18 b) When the head of the controlling government office and the Director
19 General have agreed in writing to defer the transfer of public records
20 for a specified period: *Provided*, That such deferment shall not
21 exceed two (2) years. This deferment may be extended to two (2)
22 more years through a renewed agreement between the Director
23 General and the head of the controlling government office;
24
25 c) Public records that are in electronic form, if the Director General
26 instructs the controlling government office in writing to continue to
27 maintain and control those records even after the expiry of the thirty-
28 year (30-year) retention period; or
29
30 d) When the controlling government office has its own archival facility.
31

1 Every deferred transfer under this section shall be noted in NARMA's
2 registry and the respective registry of the concerned government office.

3
4 **Sec. 31. *Transfer of Public Records to NARMA Records Centers.***

5 — Whenever it is in the interest of the efficient operations of a government
6 office, its head may direct the transfer of such non-current public records to a
7 records center as provided for in this Act: *Provided*, That such transfer is
8 approved by NARMA and according to GRDS and the transferring agency's
9 records disposition schedule.

10
11 **Sec. 32. *Establishment of Regional Archives, Records Center,***
12 ***and Agency Records Center.*** — Pursuant to the objectives of this Act, the
13 following shall be established, maintained, and operated by NARMA:

- 14
15 a) ***Regional Archives*** — These shall be responsible for storing,
16 processing, servicing, and preserving public archives of government
17 offices in the regions.
18 b) ***Records Centers*** — These shall be responsible for storing, processing,
19 and managing non-current records transferred to its custody.

20
21 **Sec. 33. *Protected Records of Local Governments.*** —

- 22
23 a) The Director General may, by notice in the Official Gazette made after
24 consultation with any local government concerned, declare that a
25 local government record is a protected record for purposes of this
26 Act.
27
28 b) An LGU shall provide for the adequate protection and preservation of
29 a protected record it holds, in accordance with any applicable
30 standards or instructions issued by the Director General.
31
32 c) An LGU shall not dispose of a protected record unless it has:

- 1) Notified in writing the Director General of its intention to dispose of the protected record;
 - 2) Identified the protected record concerned; and
 - 3) Specified how it intends to dispose of the protected record.
- d) Not later than three (3) months after receiving written notification under the preceding subsection (c)(1), the Director General shall:
- 1) Direct the local government in writing to transfer the protected record to the control of the Director General, subject to conditions agreed by the head of an LGU and the Director General; or
 - 2) Authorize the disposal of the protected record identified under subsection (c)(2).

Sec. 34. *Approval of Repositories.* — The Director General may:

- a) Authorize an appropriate archives, such as a museum, library, another archive, or a local government repository, to be an approved repository where public archives may be deposited for safekeeping;
- b) Amend or revoke such grant of authority as stipulated under paragraph preceding subsection;
- c) Inspect an approved repository at any time after giving reasonable notice;
- d) With the agreement of the head of the controlling government office and the consent of the approved repository, deposit public archives

1 in an approved repository, set conditions for such deposit, or issue
2 instructions to the repository as necessary.

3
4 e) Establish standards to ensure the preservation of national interests
5 in public archives, the proper maintenance of public archives, and
6 the continued provision of appropriate public access; and

7
8 f) Direct an approved repository to transfer public archives to the
9 possession of NARMA, another approved repository, or the
10 controlling government office, as the case may be.

11
12 **ARTICLE IV**
13 **ELECTRONICS RECORDS MANAGEMENT**

14
15 **Sec. 35. *Management of Electronic Records.*** — All government
16 offices, with existing electronic records, shall create, implement, and
17 periodically update an electronic records management program (ERMP), which
18 shall be in line with the standards set under this act and other regulations which
19 may be issued by NARMA.

20
21 **Sec. 36. *Electronic Records Standards.*** — The following minimum
22 standards shall be imposed on electronic records management:

23
24 a) **Record Documentation** – Electronic records shall be created with
25 essential metadata, which describe the content and structure of the
26 record as well as the background of its creation. Accurate and reliable
27 links connecting the electronic record and the transaction that will be
28 created shall be maintained.

29
30 b) **Record Accessibility** – The content, structure, and context of
31 records shall be transferred to and preserved in the electronic records
32 management system in an accessible and usable format until the

1 records reach the end of their retention period or until they are
2 destroyed. Proper formats shall be used to ensure interoperability
3 among systems and agencies, enabling efficient record management
4 and access.

5
6 c) **Record Integrity** – All electronic records shall be properly secured.
7 They shall be protected throughout their retention periods from
8 intentional or accidental modifications, disclosures, deletion, and
9 unauthorized access. Permission to capture, access, or destroy
10 electronic records shall only be given to authorized personnel.

11
12 d) **Record Security** – Agencies shall formulate their own rules on
13 access levels to include the use of usernames and passwords. Access
14 rights may be given to authorized users or personnel in accordance
15 with the applicable provisions of Republic Act No. 10173, or the Data
16 Privacy Act of 2012, and other regulations pertaining to confidential
17 and classified records. The agency shall also identify which electronic
18 records are subject to legislative, regulatory, or institutional policy
19 restrictions.

20
21 **Sec. 37. *Inventory of Electronic Records.*** — All government offices
22 shall create an inventory of all electronic records, regardless of media.
23 Government offices shall also ensure that all electronic records are included in
24 their respective agency records disposition schedules.

25
26 **Sec. 38. *Digitization of Paper Records.*** — Physical records with
27 long-term administrative, legal, fiscal, or other permanent value shall be
28 prioritized for conversion to an electronic format.

29
30 **Sec. 39. *Preservation of Electronic Records.*** — Government offices
31 shall guarantee that electronic records will not sustain any loss or alteration of
32 information at all stages of their existence. Government offices must ensure

1 the future accessibility of electronic records by developing migration and
2 conversion strategies that are designed to update hardware, software, and
3 storage media before they reach obsolescence.

4
5 Further, government offices shall maintain appropriate back-up media
6 and systems for storing electronic records throughout the records retention
7 period.

8
9 **Sec. 40. *Migration of Electronic Records.*** — Migration of electronic
10 records shall be required when at least one (1) of the following conditions is
11 met:

- 12
13 a) The scheduled destruction date is greater than five (5) years from
14 the initial installation date or last major upgrade of the computer
15 storage device or software that reads, processes, or maintains the
16 records;
17
18 b) The total retention period is greater than ten (10) years from the
19 date the records were created; or
20
21 c) Usability of the electronic records will be affected by replacements,
22 upgrades, or other changes in computer hardware or software
23 components.
24

25 **Sec. 41. *Retention and Disposal of Electronic Records*** — The
26 retention and disposal of electronic records shall be in accordance with the
27 approved records disposition schedules under Article III of this Act.

28
29 **ARTICLE VI**
30 **STANDARDS, INSPECTION, REPORTING, AND AUDIT**
31

1 **Sec. 42. Effectivity of Standards.** — All standards issued by the
2 Director General shall be published in the Official Gazette or in a newspaper of
3 general circulation not later than ninety (90) days before its effectivity. In the
4 absence of such required publication, the standards issued shall be deemed
5 ineffective and unenforceable.

6
7 **Sec. 43. Inspection Powers.** — The Director General may, after
8 giving reasonable notice to a government office or private archive concerned,
9 review the records management and archives administration practices and
10 programs of any government office, determine the effectiveness and
11 compliance of such practices and programs with this Act, and make the
12 necessary recommendation or directive for correction or improvement of
13 records management: *Provided*, That during the conduct of inspection, the
14 Director General may require the production of documents or archives.

15
16 However, the Director General is prohibited from exercising such power
17 to inspect in cases where public records:

- 18 a) carry security classifications; and,
19 b) are restricted by other legislation without the consent of the head of
20 the controlling government office.

21
22 The provision of this Section applies, with the necessary modifications,
23 to local government records and local government archives.

24
25 For this purpose, NARMA shall adopt an operational guideline and rules
26 of procedure.

27
28 **Sec. 44. Direction to Report to the Director General.** — The
29 Director General may give notice in writing directing the head of a government
30 office or of an approved repository to report to the Director General or to any
31 other person on:
32

- 1 a) Any specified aspect of its record keeping practice; or
- 2
- 3 b) The public records that it controls or, in the case of an approved
- 4 repository, has possession of.
- 5

6 **Sec. 45. *Annual Report on Record Keeping.*** — The Director General

7 shall make an annual report to the President on the state of record keeping

8 within government offices. Such report shall be included in the annual report

9 given to the President where the same shall be furnished to Congress.

10

11 **Sec. 46. *Public Records Management Audit.*** — The Director

12 General shall be authorized to conduct records management audits in

13 government offices and other public archives. All heads of each government

14 office, whether national or local, shall grant access to all of their records for

15 audit purposes.

16

17 For this purpose, the Director General may deputize the respective

18 records officers of the concerned agencies or offices to assist in the conduct of

19 the audit.

20

21 **ARTICLE VII**

22 **ARCHIVES ADMINISTRATION AND PROCUREMENT**

23

24 **Sec. 47. *Access Status.*** — When public records, which have been in

25 existence for thirty (30) years or more, are about to be transferred to the

26 custody and control of NARMA, the head of the controlling government office

27 shall classify the records as either:

28

- 29 a) Open access records, which may be freely accessed by the public; or
- 30

- 1 b) Restricted access records, which must be withheld from the public as
2 required by law or as deemed necessary by the head of government
3 office.

4
5 At the time of original classification, the controlling government office
6 shall establish a specific date or event for declassification based on the duration
7 of the national security sensitivity of the information, which period shall not
8 exceed thirty (30) years, such period may be extended upon approval by the
9 Director General of the request by the controlling government agency, which
10 extension shall not be more than five (5) years at a time.

11
12 **Sec. 48. *Grounds for Determining Access Status.* —**

- 13
14 a) In classifying the access status of a public record under section 51,
15 the head of the controlling government office shall consider existing
16 rules and regulations on classified records.
17
18 b) If there are no good reasons to restrict public access under
19 subsection (a), or if no legal impediment exists that requires a public
20 record to be withheld from public access, the head of the controlling
21 government office shall classify the record as an open access record.
22
23 c) If there are good reasons for restricting public access under
24 subsection (a), or if such legal impediment exists requiring such
25 public record to be withheld from public access, the head of the
26 controlling government office shall, in consultation with the Director
27 General, determine the necessity to restrict public access to the
28 public record for a specified period of time or permit such public
29 access with conditions.
30

- 1 d) The head of a controlling government agency may, at any time, in
2 consultation with the Director General, vary or withdraw a condition
3 imposed on public access records.
- 4 e) A public record subject to a restriction under subsection (c) becomes
5 an open access record on the withdrawal of the restriction.
- 6
- 7 f) NARMA shall comply with the conditions of public access imposed
8 under subsection (c).
- 9
- 10 g) A restriction on public access to a public record shall be noted in the
11 Public Access Registry.
- 12
- 13 h) Every controlling government office is responsible for dealing with
14 requests for official and personal information under the existing laws
15 and regulations on access to classified matters.
- 16

17 **Sec. 49. Access Status of Local Government Records. —**

18

- 19 a) When a local government record becomes a local government
20 archive, the head of the local government shall classify it as either:
- 21 1) An open access record; or
22 2) A restricted access record.
- 23
- 24 b) The head of a local government may, at any time, change the
25 classification of a local government record upon consultation with
26 the Director General.
- 27

28 **Sec. 50. Grounds for Determining Access Status of Local**
29 **Government Records. —**

30

- 31 a) In classifying the access status of a local government record, the
32 head of the controlling local government shall consider the following:

- 1
- 2 1) There are good reasons to restrict public access to the local
- 3 government record, having regard to any relevant
- 4 standard or advice issued by the executive director; or
- 5
- 6 2) There exists a legal impediment that requires such local
- 7 government records to be withheld from public access.
- 8
- 9 b) If there are no good reasons to restrict public access under
- 10 subsection (a)(1), or if no legal impediment exists that requires a
- 11 local government record to be withheld from public access, the head
- 12 of the controlling government office shall classify the record as an
- 13 open access record.
- 14
- 15 c) However, if there are good reasons to restrict public access under
- 16 subsection (a)(1), or if a legal impediment so requires a local
- 17 government record to be withheld from public access, the head of
- 18 the controlling local government shall, having regard to any relevant
- 19 standard or advice issued by the executive director determine
- 20 whether it is necessary to restrict public access to the local
- 21 government record for a specified period of time, but which shall not
- 22 be for a period exceeding thirty (30) years or permit public access
- 23 subject to the appropriate conditions.
- 24
- 25 d) Despite subsection (c), the head of the local government may, if
- 26 there is good reason to do so, restrict public access to the local
- 27 government record for one or more further specified periods not
- 28 exceeding thirty (30) years for each further period.
- 29
- 30 e) At any time, the head of the controlling local government, having
- 31 regard to any relevant standard or advice issued by the Director
- 32 General, may vary or withdraw a condition imposed.

1
2 f) A local government record, subject to a restriction under subsection
3 (c), becomes an open access record on the withdrawal of the
4 restriction.
5

6 **Sec. 51. Access to Public Archives.** — Any person may, for the
7 purpose of reference or research, inspect any public archives or public records
8 made available to the public: *Provided*, That all conditions or restrictions
9 imposed by NARMA and the government office from which the public records
10 were acquired are met.
11

12 **Sec. 52. Public Inspections of Open Access Records.** — Unless this
13 Act provides otherwise, an open access record shall be made available for
14 inspection by the public as soon as it is reasonably practicable after a request
15 to inspect the record is made to the government office, the approved
16 repository, or NARMA, whichever has possession of the open access record.
17

18 **Sec. 53. Publication or Copying of Public Archives Under**
19 **NARMA.** — The Director General may, subject to the condition that he or she
20 deems appropriate, authorize in writing, the publication or replication of a public
21 archive that is an open access record.
22

23 **Sec. 54. Prohibition on Public Access or Replication.** — Accessing
24 or replicating a public archive or protected record under the control and custody
25 of NARMA shall be deemed prohibited. Such prohibition on public access shall
26 be noted in the Public Access Registry.
27

28 **Sec. 55. Restricted Access Records.** — The period for which public
29 access to a public record may be restricted, may upon the written request of
30 the Director General, be reviewed after the expiry of ten (10) years from the
31 date that the restriction is recorded in the Public Access Registry: *Provided*,

1 That before its expiry, it may be extended for further periods as specified by
2 the head of the controlling government office.

3
4 **Sec. 56. *Creation of Archival Preservation Copies.*** — NARMA shall
5 ensure continued access to its archival collection through the creation of
6 preservation copies of its archival records in various preservation formats, such
7 as but not limited to, microfilms and microfiche.

8
9 **Sec. 57. *Protection of Records and Archives Against Disasters.***
10 — NARMA shall establish standards and guidelines for the protection of records
11 and archives during natural disasters and human-induced calamities. It shall
12 establish close coordination with relevant government agencies to ensure that
13 records and archives are protected and preserved during natural disasters and
14 human-induced calamities.

15
16 **Sec. 58. *Inalienability and Imprescriptibility of Public Records***
17 ***and Public Archives.*** — All public records and public archives are inalienable
18 and cannot be removed, abandoned, destroyed or transferred from the agency
19 having custody of the records without the authorities under this Act or its
20 implementing rules.

21
22 NARMA shall have the right to recover, manage, and retain custody of
23 any and all estray records at any time. Further, NARMA may compel any person
24 to surrender an estray record at any time after due notice.

25
26 The head of the concerned government office shall notify NARMA of any
27 actual, impending, or threatened unlawful removal, sale, unauthorized
28 reproduction, defacing, alteration, corruption, deletion, erasure, or other
29 destruction of records in the custody of a government office. NARMA shall then
30 initiate action for the recovery and protection of such public records.

1 **Sec. 59. *Procurement of Items for NARMA Collections.*** — NARMA
2 shall be allowed to procure archival collections or items by means of direct
3 negotiation with the owners of such items, or their duly designated agents or
4 representatives, in the Philippines and abroad.

5
6 Furthermore, nothing in this Section shall be construed as affecting or
7 extending the law relating to copyright. Notwithstanding the provisions
8 Republic Act No. 8293, or the Intellectual Property Code of the Philippines, as
9 amended, copyright of properties acquired pursuant to the preceding sections
10 shall belong to NARMA, unless otherwise stipulated.

11
12 **Sec. 60. *Procurement Through Public Auction.*** — NARMA shall be
13 authorized to procure unique, special, and/or original items for its collections
14 through bidding at public auctions, including online public auctions for each
15 item, the Director General shall predetermine an appropriate price ceiling
16 based on his or her judgment of the fair market valuation of the same,
17 exclusive of commissions, fees, charges, taxes and other associated expenses.

18
19 NARMA shall notify the management of a public auction of its interest
20 in a specific item, and such interest shall be disclosed to all registered
21 participants. Regardless of prior notice, NARMA shall have preferential rights
22 in the bidding process. Within thirty (30) working days from notice of the
23 highest bid, NARMA may exercise its right to match the bid. If it does so
24 successfully, the item shall be awarded to NARMA."

25
26 The invoice issued to NARMA by the management of the public auction,
27 which shall include the relevant commissions, fees, charges, taxes, and other
28 associated expenses in addition to the bid price for the item, followed by the
29 procedure in the immediately preceding section, shall be considered sufficient
30 for the procurement of an item under this section.

31
32 **ARTICLE VIII**

1 **PROTECTION, PRESERVATION, AND CONSERVATION**
2 **OF ARCHIVAL CULTURAL HERITAGE**

3
4 **Sec. 61. *Declaration of Archival Records as National Cultural***
5 ***Treasures and Important Cultural Properties.*** — NARMA shall declare
6 archival properties as archival national cultural treasures or archival important
7 cultural properties in accordance with the provisions of Republic Act No. 10066,
8 or the National Cultural Heritage Act, as amended.
9

10 **Sec. 62. *Right of First Refusal Over Archival Records.*** — NARMA
11 shall be given the right of first refusal in the purchase of archival records
12 declared as national cultural treasures or important cultural properties. Prior to
13 the finality of the sale, NARMA may likewise match any offer made for the
14 purchase of said properties.
15

16 **Sec. 63. *Conservation of Archival Records Declared as National***
17 ***Cultural Treasures and Important Cultural Properties.*** — All intervention
18 works and measures on conservation of archival records declared as national
19 cultural treasures and important cultural properties, including presumed
20 cultural properties, shall be undertaken or supervised by NARMA.
21

22 NARMA shall approve only those methods and materials that strictly
23 adhere to the internationally accepted standards of conservation and
24 preservation.
25

26 **ARTICLE IX**
27 **INVESTIGATION, PROSECUTION, AND OFFENSES**

28
29 **Sec. 64. *Investigation and Prosecution of Offenses.*** — The
30 Director General, may investigate an alleged violation of this Act, or of a rule,
31 regulation, or order of NARMA.
32

1 **Sec. 65. Administration of Oaths, Subpoena of Witnesses and**
2 **Documents.** — The Director General, may administer oaths and affirmations,
3 issue subpoena *ad testificandum* and subpoena *duces tecum*, take testimony
4 in any inquiry or investigation, and may perform other acts necessary to the
5 proceedings or to the investigation.

6
7 **Sec. 66. Cease and Desist Orders.** — Whenever the Director General
8 has reasonable basis to believe that a person has violated, or is about to violate
9 this Act, or a rule, regulation, or order of NARMA, he or she may direct such
10 person to desist from committing the Act constituting the violation.

11
12 The Director General, may issue a cease-and-desist order *ex parte* to
13 enjoin an act or practice which is fraudulent or can be reasonably expected to
14 cause significant, imminent, and irreparable danger or injury to public safety or
15 welfare in relation to the purposes and objectives of this act. The *ex parte* order
16 shall be valid for a maximum period of twenty (20) days, without prejudice to
17 the order being made permanent after due notice and hearing.

18
19 **Sec. 67. Contempt.** — Any person who, without justifiable cause, fails
20 or refuses to comply with any lawful order, decision, or subpoena issued by the
21 Director General, or his or her authorized officer, shall, after due notice and
22 hearing, be held in contempt and fined in an amount not exceeding Thirty (30)
23 Thousand Pesos (Php 30,000.00). When the refusal amounts to clear and open
24 defiance of NARMA's order, decision, or subpoena, NARMA may impose a daily
25 fine of One Thousand Pesos (Php 1,000.00) until the order, decision, or
26 subpoena is complied with.

27
28 **Sec. 68. Administrative Fines or Sanctions** — If, after due notice
29 and hearing, NARMA determines that any of the following violations have been
30 committed: (a) noncompliance with the rules and orders issued pursuant to this
31 Act; (b) obstruction or refusal to comply with NARMA's lawful directives in its
32 implementation; or (c) the unauthorized conduct of seminars, trainings, or

1 lectures on public records disposition without approval from the Director
2 General, NARMA may, at its discretion and based on the gravity and willfulness
3 of the violation, impose an administrative fine ranging from Fifty Thousand
4 Pesos (Php 50,000.00) to One Million Pesos (Php 1,000,000.00). In cases of
5 continuing violations, an additional fine of up to Two Thousand Pesos (Php
6 2,000.00) per day may be imposed, with legal interest.

7
8 The imposition of an administrative fine or sanction shall be without
9 prejudice to any criminal or civil liability of the offender.

10
11 The Director General shall have the power to issue writs of execution to
12 enforce the provisions of this section and to enforce payment of the fees herein.
13 The fees collected under this section shall be forwarded and remitted to the
14 NARMA Trust Fund created under Sec. 15 of this Act.

15
16 **Sec. 69. Offenses and Penalties.** — The following acts are hereby
17 deemed unlawful and subject to the corresponding penalties and administrative
18 consequences:

- 19 1. **Unauthorized Alteration, Damage, or Destruction of Public**
20 **Records** - Willfully or negligently altering, damaging, destroying, or
21 unlawfully disposing of any public record in the possession of NARMA or
22 other government agency, other than in accordance with the provisions
23 of this Act, shall be punishable with an imprisonment of no less than
24 five (5) but no more than ten (10) years and/or a fine of no less than
25 Five Hundred Thousand Pesos (Php 500,000.00) but no more than One
26 Million Pesos (Php 1,000,000.00), at the discretion of the court;
- 27 2. **Unauthorized Transfer of Public Records Outside the**
28 **Philippines** - Transferring a public record outside the Philippines
29 without the express written authority of the Director General shall be
30 punishable with an imprisonment of no less than five (5) but no more
31 than ten (10) years and/or a fine of no less than Five Hundred Thousand

Pesos (Php 500,000.00) but no more than One Million Pesos (Php 1,000,000.00), at the discretion of the court;

3. **Illegal Sale of Public Archives** - Selling of public archives under the custody of NARMA, without its express authority in writing shall be punishable with an imprisonment of no less than five (5) but no more than ten (10) years and/or a fine of no less than Five Hundred Thousand Pesos (Php 500,000.00) but no more than One Million Pesos (Php 1,000,000.00), at the discretion of the court;

4. **Penalties for Public Officers** - Any public officer who commits any of the prohibited acts under this Act shall be punishable with an additional imprisonment of five (5) to fifteen (15) years, and face an additional fine of no less than Five Hundred Thousand Pesos (Php 500,000.00) but no more than One Million Pesos (Php 1,000,000.00), at the discretion of the court. This is without prejudice to the filing of administrative charges, which may result in: perpetual disqualification from holding public office; and, forfeiture of salary and other lawful income in favor of the government.

Any violation of this Act, when proven in an administrative proceeding, shall be sufficient cause for the removal or dismissal of a public officer, even if no criminal charges are filed against them.

Any person convicted under this Act may, in addition to the prescribed penalties, be barred from accessing NARMA for a period deemed appropriate by a court.

Sec. 70. Competent Court. — Until otherwise provided, the Regional Trial Court shall have original and exclusive jurisdiction over all violations of this Act.

Sec. 71. Prescription of Offenses. — All offenses punishable under this Act shall prescribe in twenty-five (25) years.

1 **Sec. 72. Termination of Office.** — No public officer shall be allowed
2 to resign or retire pending an investigation, criminal or administrative, or
3 pending a prosecution against him or her, for any offense under this Act or
4 under the relevant provisions of the Revised Penal Code.

5
6 **Sec. 73. Suspension and Loss of Benefits.** — Any public officer
7 against whom any criminal prosecution, under any valid information under this
8 Act or under the relevant provisions of the Revised Penal Code, is pending in
9 court shall be suspended from office. Should the public officer is convicted by
10 final judgment, he or she shall lose all retirement or gratuity benefits under any
11 law, but if acquitted, he or she shall be entitled to reinstatement and to the
12 salaries and benefits which he or she failed to receive during suspension, unless
13 in the meantime administrative proceedings have been filed against him or her.

14
15 **Sec. 74. Transitory Provisions.** — All the assets, fixed and movable,
16 and all contracts, documents, and records of NAP relative to its operation are
17 hereby transferred to NARMA.

18
19 All agreements and contracts entered into by NAP shall remain in full
20 force and effect unless otherwise terminated, modified, or amended.

21
22 The incumbent Executive Director and Deputy Executive Directors of
23 NAP shall continue to serve in their respective capacity as the Director General
24 and Deputy Directors-General of NARMA for one (1) year after the effectivity
25 of this Act, or until the completion of their respective terms of office as granted
26 under Republic Act No. 9470, whichever is longer. Any benefits, privileges, or
27 rank increases provided herein shall take effect only after the expiration of the
28 term of the incumbent officials of NAP, now NARMA, and shall apply exclusively
29 to their successors.

1 The necessary plantilla positions and organizational units within NARMA,
2 including the additional positions of Deputy Directors-General and Regional
3 Directors, shall be established in coordination with DBM.
4

5 **Sec. 75. Appropriations.** — The amount necessary to carry out the
6 provisions of this Act shall be appropriated from the funds not otherwise
7 appropriated and are available in the national treasury. Thereafter, such sums
8 as may be necessary for the continued implementation of this Act shall be
9 included in the annual General Appropriations Act.
10

11 **Sec. 76. Implementing Rules and Regulations.** — Within ninety
12 (90) days from the effectivity of this Act, NARMA shall promulgate the necessary
13 rules and regulations for the proper implementation of the provisions of this
14 Act.
15

16 **Sec. 77. Separability Clause.** — Should any portion or provision of
17 this Act be declared unconstitutional, the same shall not affect the validity and
18 effectivity of the other portions or provisions hereof not affected thereby.
19

20 **Sec. 78. Repealing Clause.** — Republic Act No. 9470, otherwise
21 known as the National Archives of the Philippines Act of 2007, is hereby
22 repealed. All other laws, presidential decrees, executive orders, or rules and
23 regulations inconsistent with the provisions of this Act are also hereby repealed
24 or modified accordingly.
25

26 **Sec. 79. Effectivity.** — This Act shall take effect after fifteen (15) days
27 following the completion of its publication in the Official Gazette or in a
28 newspaper of general circulation.
29

30 *Approved,*