

Republic of the Philippines
Congress of the Philippines
Metro Manila

Thirteenth Congress

Third Special Session

Begun and held in Metro Manila, on Monday, the nineteenth
day of February, two thousand seven.

[REPUBLIC ACT NO. 9470]

AN ACT TO STRENGTHEN THE SYSTEM OF MANAGEMENT
AND ADMINISTRATION OF ARCHIVAL RECORDS,
ESTABLISHING FOR THE PURPOSE THE NATIONAL
ARCHIVES OF THE PHILIPPINES, AND FOR OTHER
PURPOSES

Be it enacted by the Senate and 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 of the Philippines Act of 2007.

DECLARATION OF POLICY — It is the policy of the
State to preserve and protect the national
archives and records of the Philippines.

Primer

MESSAGE


In all the civilized countries of the world, archives are given due attention and importance by their governments because archives are the source of primary documents relating to the history and culture of a nation. Public records and archives contribute to the country's national identity by documenting the interactions of people and organizations with the Government over time. It is for these reasons that RA 9470, otherwise known as the "National Archives of the Philippines Act of 2007" has been enacted and signed into law by Her Excellency, President Gloria Macapagal-Arroyo, Senate President Manny Villar and Speaker of the House Jose De Venecia Jr.

The law seeks to protect, preserve, conserve and promote the nation's cultural heritage as embodied in those archives. The policy to be implemented by the law will be to: create a framework to ensure that public records are appropriately managed; achieve broad coverage of the activities of government within this framework; and provide for the preservation and accessibility of public archives.

To assist organizations with their recordkeeping responsibilities, the law empowers the Executive Director to issue mandatory recordkeeping standards and guidelines on all aspects of recordkeeping.

The law will also achieve high levels of public accountability and make sure that records are retained until their value as evidence of government activities, rights, and entitlements, or as documents of historical heritage, can be assessed.

It is hoped that this primer will help enlighten government agencies, officials, and recordkeeping personnel on the salient provisions and requirements of the law and facilitate compliance thereof.



MARIETTA R. CHOU
Acting Executive Director

SCOPE, INTERPRETATION AND OBJECTIVES

1. What is Republic Act 9470?

Republic Act 9470, otherwise known as the "National Archives of the Philippines Act of 2007", is an Act to strengthen the system of management and administration of archival records, establishing for the purpose the National Archives of the Philippines, and for other purposes.

2. What is the constitutional state policy which was the main basis of this Act?

The pursuit, conservation and promotion of Filipino cultural heritage and resources including the documentary records of Filipino culture, history and governance.

3. What is the National Archives of the Philippines?

The National Archives of the Philippines (NAP) is a national government agency attached to the National Commission for Culture and the Arts, responsible for the implementation of the objectives and provisions of Republic Act 9470. It is also the official repository of public records and archives where they are preserved, conserved and made available to the public.

4. What are the purposes of this Act?

- strengthen the existing system of management of public records and administration of government archives
- mandate government accountability to ensure that full and accurate records of the affairs of the national and local government units are maintained and preserved
- enhance public confidence in the integrity of public recordkeeping and management

- ensure accessibility of public records relevant to the promotion and preservation of Philippine cultural heritage
- support the safekeeping of private records with archival value

5. Who are covered by this Act?

All heads, officials and employees of all branches of government, whether national or local, constitutional offices, government-owned and/or controlled corporations, government financial institutions, state/local universities and colleges, Philippine embassies, consulates and other Philippine offices abroad.

6. What records are covered under this Act?

All public records and public archives including private collections

7. What are "Public Records"?

"Public records" refers to records or classes of records, in any form, in whole or in part, created or received by a government agency in the conduct of its affairs, and have been retained by that government agency or its successors as evidence or because of the information contained therein

8. What are "Public Archives"?

"Public Archives" refers to public records that are under the custody and control of the NAP Executive Director.

9. What are "Private Collections"?

"Private Collections" refers to an artificial accumulation of materials by private individual or institution

10. What programs and activities of government offices are covered under this Act?

Records Management and Archives Administration

11. What is "Records Management"?

"Records Management" refers to the managerial activities involved with respect to records creation, records maintenance and use, transmission, retention and records disposition in order to achieve adequate and proper documentation of policies and transactions of government for its efficient, effective and economical operation.

12. What is "Archives Administration"?

"Archives Administration" refers to the professional management of an archival institution through the application of archival principles and techniques

13. What is a "Records and Archives Management Program"?

A "Records and Archives Management Program" is a planned, coordinated set of policies, procedures and activities needed to manage records and administer archives in the various government agencies, including local government units.

14. Why should government offices and LGUs develop their own Records and Archives Management Program?

- it contributes to the smooth operation of the agency's programs by making the information needed for decision making and operations readily available
- it helps deliver services in a consistent and equitable manner
- it facilitates effective performance throughout the agency

- it allows quicker retrieval of documents from file
- it improves office efficiency and productivity
- it provides continuity in the event of a disaster

15. What are the key recordkeeping requirements of this Act that all government offices and LGUs should comply with?

- create and maintain in accessible form full and accurate records of the affairs until disposition is authorized
- prohibits the disposition of public records and protected records except with the authority of the NAP Executive Director, unless another Act requires disposal of public records or protected records

MANAGEMENT OF PUBLIC RECORDS

16. What are the specific recordkeeping requirements of this Act that all government offices and LGUs should comply with?

- Establishment of Archives and Records Office/ Unit
- Conduct of Inventory of Public Records
- Establishment of Records Disposition Schedules
- Authorized Disposition of Public Records
- Transfer of Public Records
- Inclusion in the System of Registration and Accreditation

17. What shall be the functions of the Archives and Records Office?

The Archives and Records Office shall plan, formulate and implement a records management and archival administration

program for the efficient creation, utilization, maintenance, retention, storage, preservation, conservation and disposal of public records including the adoption of security measures and vital records protection program for the agency.

18. Who shall be in-charge of the Archives and Records Office?

Each government agency shall appoint qualified Records Officers and Archivists in coordination with the Department of Budget and Management and the National Archives of the Philippines.

19. What is records inventory?

It refers to a descriptive listing of the record holdings by records series indicating its specific location, inclusive dates and volume in cubic meters; conduct of related activities to locate, identify, describe, count, and measure all records in the office and storage areas including all loose and bound papers, microforms, optical disks, and magnetic tapes and disks.

20. What is a "Records Disposition Schedule"?

"Records Disposition Schedule" (RDS) refers to a listing of records series by organization showing, for each records series the period of time it is to remain in the office area, in the storage area, and its preservation or destruction.

21. Why should government agencies and LGUs develop RDS?

- to ensure the adequate, proper, effective and economical management of public records.
- to serve as the basis in implementing the following agency disposition actions:

- preservation and conservation of permanent and archival records
- retention of records which have not yet passed the prescribed retention periods
- transfer of records to agency storage area or NAP Records Centers
- transfer of archival records to the Archives Collection and Access Division of the National Archives of the Philippines/ Regional Archives
- disposal of valueless records upon written authority/ approval from the Executive Director of the National Archives of the Philippines

22. What is an "Agency Records Disposition Schedule"?

An "Agency Records Disposition Schedule" governs the disposition of all the records of a particular government office.

23. What is a "General Records Disposition Schedule"?

A "General Records Disposition Schedule" prescribes the disposition of public records common to all government offices.

24. What are the records disposition actions that need authority from NAP?

The NAP through its Executive Director shall authorize in writing the following:

- transferring control of the public records to another government office
- transferring control of the public records to the NAP Executive Director
- destroying the public records; or selling the public records

25. What is transfer of public records?

Transfer of public records refers to the systematic movement of records out of high cost office space and equipment to less expensive storage area or NAP Records Center.

26. What are the provisions on transfer of public records?

Heads of government offices shall cause the transfer of the following public records from their control and custody to the National Archives of the Philippines:

- archival materials or collections which are more than thirty (30) years old and which the owning government office can no longer maintain and preserve
- non-current public records which are adjudged by the NAP Executive Director to be permanent and with enduring value
- public records of abolished or defunct government offices unless otherwise provided by law that a government agency shall take over the responsibilities for those public records
- non-current public records of a government office that has thirty (30) years or more retention periods

27. What is "Records Disposal"?

"Records Disposal" is removing valueless records from existing agency files or storage areas and getting rid of them by selling, by landfill, by shredding or by any other way of destroying them.

28. What is the governing rule on the disposal of public records?

No government department, bureau, agency and instrumentality shall dispose of, destroy or authorize the disposal or destruction of any public records, which are in the

custody or under its control except with the prior written authority of the Executive Director of the National Archives of the Philippines.

29. How will a government agency/office dispose of their records?

The government office shall request for authority to dispose records to the National Archives of the Philippines until such time it was appraised and evaluated by Records Management Analyst and approved by the Executive Director. The NAP Executive Director will notify the concerned office regarding the prompt and proper disposal of records.

30. What are the other recordkeeping requirements of this Act?

- Establishment of Agency Storage Areas
- NAP Approval of Repositories
- Protected Records of Local Governments
- Preservation and Conservation of Records

31. What is an agency storage area?

It refers to a repository managed and operated by each government office concerned. They shall be responsible for the maintenance and preservation of public records under the custody and control of each government office.

32. What is an approved repository?

It refers to appropriate archives such as a museum, a library, another archive or a local government repository which the NAP Executive Director approved as repository.

33. What are protected records?

"Protected records" refers to local government records containing data that are important from economic, social, political, legal, national security, scientific, cultural, technological, or other aspects, which are indispensable for the research of historical past, for becoming acquainted with and understanding it, and/or for the continuous fulfillment of public duties and the realization of citizens' rights, which are not or only partially available from other sources.

34. How does local government records become protected records?

The NAP Executive Director, by notice in the Official Gazette made after consultation with the local government concerned, declare that a local government record is a protected record.

35. What is the duty of every Local Government Unit in handling protected records?

- it is the duty of the local government unit to provide adequate protection and preservation of protected records it holds, in accordance with the applicable standard or instruction issued by the NAP Executive Director.
- the LGU shall not dispose of protected records unless it has:
 - ♦ notified in writing the NAP Executive Director of its intention to dispose of the protected records;
 - ♦ identified the protected records concerned; and
 - ♦ specified how it intends to dispose the protected records

36. Can the LGU transfer the protected records to the custody of NAP?

Yes. The LGU can transfer the protected records subject to the conditions agreed by the Head of an LGU and NAP Executive Director.

37. What is "Preservation"?

"Preservation" refers to the process of managing resources to ensure the protection of historical and cultural materials. It encompasses a host of policies, procedures, and processes that together sustain access and mitigate further deterioration to the materials.

38. What is "Conservation"?

"Conservation" refers to the physical treatment of collection materials.

39. What are the mandatory recordkeeping practices that prescribe and monitor compliance with this Act?

- Publication of Standards
- Inspection of Recordkeeping Practices
- Annual Report on Recordkeeping Practices
- Records Management Audit

40. What are "Standards"?

"Standards" refers to the circulars and orders issued by the NAP Executive Director pursuant to the provisions of RA 9470.

41. When does a standard become effective?

All standards issued by the NAP Executive Director become effective ninety (90) days after publication in the Official Gazette or in a newspaper of general circulation.

42. What recordkeeping practices are covered by inspection?

The system and procedure of maintaining, including the storage or condition, of such public records that are under the possession, custody or control of that office.

43. What public records are exempted from inspection?

- those that carry security classification
- those that are restricted by other legislation

44. What reports are required under this Act?

- agency heads, upon notice by the NAP Executive Director, shall submit reports on:
 - specified aspects of its recordkeeping practices
 - public records that it controls
- NAP report on the state of recordkeeping within government offices

45. To whom shall the report be submitted?

- the head of agency shall submit report to the NAP Executive Director
- the NAP Executive Director shall make an annual report to the President
- the said report shall be furnished to the Congress

46. What is "Records Management Audit"?

"Records Management Audit" is the periodic inspection of the records holdings of government offices, whether national or local, in which all heads of government offices have the duty to grant access to all its records for audit purposes.

47. When will it be conducted?

It will be conducted after five (5) years from the effectivity of this Act and every five (5) years thereafter.

ADMINISTRATION OF PUBLIC ARCHIVES

48. What is "Archives"?

"Archives" refer to:

- the non-current records of an organization or institution, which by their nature and characteristic have enduring archival value, that have been selected for permanent preservation;
- the place (building/ room/ storage area) where archival materials are kept and preserved; and
- an organization (or part of an organization) whose main function is to select, collect and preserve archival records and make such record available for public use

49. What are the primary objectives of an archival program?

- To identify and to select records for permanent preservation
- To ensure their accessibility through finding aids and providing reference services
- To arrange and to classify every record holdings

50. What records are considered permanent?

Permanent records are those with enduring value and classified in the Records Disposition schedule that have been selected for permanent preservation.

51. What other records shall be deposited to the National Archives of the Philippines?

- Complete copies of as-built drawings and specifications including architectural and engineering plans for all buildings and other public works that are built on state property, including alteration thereof.
- A copy of original deeds of all government-owned properties.
- A copy of annual reports, publications, rules and regulations of all government offices.

52. What are the classifications of public records in terms of determining its access status?

- Open Access Records
- Restricted Access Records

53. How does "Open Access Records" differ from "Restricted Access Records"?

"Open Access Records" refers to public records that have been in existence for at least thirty (30) years or have been transferred under the custody and control of the NAP Executive Director and local government archives that are no longer in use, or have been in existence for at least thirty (30) years while "Restricted Access Records" refers to records which access have been restricted because there exists a legal impediment and/or standard or advice issued by the NAP Executive Director.

54. What are the grounds in determining access status?

In classifying the access status of public records, the head of the controlling government office shall consider existing rules and regulation on classified records, necessity, relevance and

the legal impediments affecting the official transaction of the office.

55. Can Open Access Records be changed to Restricted Access Records and vice versa?

Yes, a public records subject to a restriction becomes an open access records on the withdrawal of the restriction, however, a restriction on public access to a public records shall be noted in the public access registry.

56. What is Public Access Registry?

It refers to public access register containing prohibition and restriction on the unauthorized disclosure and access of information in any public records

57. What should comprise the system of registration and accreditation?

- the mechanism for updating public archives of recent methods
- techniques and procedures in records management
- annual reportorial requirements of their archival holdings

OFFENSES AND PENALTIES

58. When does a person commit an offense under RA 9470?

A person who commits any of the following shall be deemed to have committed an offense under RA 9470:

- A person who willfully or negligently damages a public record

- A person who disposes of or destroys a public record in violation to the provisions of RA 9470
- A person who contravenes or fails to comply with any provision of RA 9470 or any regulations made under said Act

59. What are the penal provisions for any violation committed under RA 9470?

- Any public officer committing any of the unlawful acts or omissions mandated under this Act shall be punished by:
 - fine of not less than Five Hundred Thousand Pesos (PhP 500,000.00) but not exceeding One Million Pesos (PhP 1,000,000.00)
 - imprisonment for not less than five (5) years but not more than fifteen (15) years
 - both fine and imprisonment
 - perpetual disqualification from public office
 - forfeiture, in favor of the government, of his/ her salary and other lawful income
- Any violation of RA 9470 proven in a proper administrative proceeding will be sufficient cause for removal or dismissal from public office
- Any person who is convicted of an offense under RA 9470 may be prohibited by order of the court from having access to the National Archives of the Philippines
- No public officer is allowed to resign or retire pending an investigation, criminal or administrative, or pending a prosecution against him/ her
- Any public officer against whom any criminal prosecution under a valid information under this Act or under the relevant provisions of the Revised Penal Code is pending in court will be suspended from office

FINAL PROVISIONS AND EFFECTIVITY

60. Which laws are affected or repealed by this Act?

- Executive Order No. 290 series of 1958
- applicable provisions of Executive Order No. 80 series of 1999
- any other law, presidential decree, or issuance, executive order, letter of instruction, administrative order, proclamation, rule or regulation and/or parts thereof contrary or inconsistent with the provisions of this Act

61. When was the effectivity date of Republic Act 9470?

The Act took effect fifteen (15) days after its publication in Business Mirror and Malaya on May 28, 2007.

62. When was Republic Act 9470 approved?

It was approved on May 21, 2007