



IMPLEMENTING RULES AND REGULATIONS OF  
REPUBLIC ACT NO. 9470, OTHERWISE KNOWN AS  
THE NATIONAL ARCHIVES OF THE PHILIPPINES  
ACT OF 2007

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Pursuant to Section 47 of Republic Act No. 9470, otherwise known as the "*National Archives of the Philippines Act of 2007*", the following Implementing Rules and Regulations are hereby promulgated:

WHEREAS, Republic Act No. 9470, otherwise known as the "*National Archives of the Philippines Act of 2007*" was signed into law by the President of the Republic of the Philippines on May 21, 2007;

WHEREAS, the *National Archives of the Philippines* is mandated by law to spearhead the implementation of the above-said law;

WHEREAS, Article VI, Section 47 of Republic Act No. 9470 mandates the Records Management and Archives Office, now renamed as the *National Archives of the Philippines*, to promulgate the necessary implementing rules and regulations in coordination with the National Historical Institute, the National Commission for Culture and the Arts, the National Library, the Department of Interior and Local Government, and the Department of Finance.

*NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED*, That pursuant to the above-same provision of the same law, the following Rules are hereby adopted:

**TITLE I  
SCOPE, INTERPRETATION AND OBJECTIVES**

**RULE 1  
*Interpretation***

**ARTICLE 1.** These Rules shall be interpreted in the light of Article I, Section 2 of Republic Act No. 9470, which stipulates that:

"It is the policy of the State to protect, conserve, promote and popularize the nation's historical and cultural heritage and resources.

The State shall pursue, conserve and promote the Filipino cultural heritage and resources including the documentary records of Filipino culture, history and governance.

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

Toward this end, all public records with enduring value, held by government offices, including but not limited to all branches of government, constitutional offices, local government units (LGUs), government-owned and controlled corporations (GOCCs), state/local universities and colleges (S/LUCs), Philippine embassies, consulates and other Philippine Offices abroad shall be transferred to a permanent government repository for proper management, control and regulation of record disposition."

**ART. 2.** R.A. 9470 underscores that public records are essential to the administration and operation of all government offices, whether national or local, including GOCCs and government financial institutions (GFIs). Public records contain information which allows government programs to function, provide officials with a basis for making decisions and ensure continuity with past operations. They document the legal responsibility of government, protect the rights of citizens and provide citizens with a means of monitoring government programs and measuring the performance of public officials. Records of government offices, whether local or national, GOCCs and GFIs also reflect the historical development of the government and of the citizens which it serves. Such records need to be systematically managed to ensure preservation of historically valuable materials, to provide ready access to vital information and to promote the efficient and economical operation of government.

## **RULE 2** ***Scope and Coverage***

**ART. 3.** These Rules shall cover all public records with archival value, held by either government offices or private collections with archival value, and shall also cover archival and records management programs and activities in all branches of government, whether national or local, constitutional offices, GOCCs, GFIs, S/LUCs, Philippine embassies, consulates and other Philippine offices abroad.

## **RULE 3** ***Purpose***

**ART. 4.** These Implementing Rules and Regulations (IRR) are adopted to:

- (a) disseminate the principles provided by R.A. 9470;

- (b) prescribe guidelines, procedures and standards for its implementation; and
- (c) facilitate compliance to R.A. 9470 for the achievement of the objectives enumerated in Article II, Sec. 5 of the said Act.

**ART. 5.** R.A. 9470 intends to establish a single body of law applicable to all public officers and employees on the subject of public records management and preservation and to ensure that the procedures used to manage and preserve public records will be uniformed throughout the country.

**ART. 6.** The National Archives of the Philippines, which is created under R.A. 9470, is established as an independent body that is attached to the National Commission for Culture and the Arts (NCCA), and is charged with administering, implementing and enforcing all provisions of said Act. It shall be the official repository for the archival records of the Republic of the Philippines and all political subdivisions thereof.

#### **RULE 4** ***Objectives***

**ART. 7.** Consistent with the provisions of R.A. 9470, these Rules are promulgated primarily to:

- (a) strengthen the existing system of management of public records and administration of government archives;
- (b) define the role of the Executive Director (ED) in developing and supporting government recordkeeping, including independent determinations on the disposal of public records and certain local government archives;
- (c) mandate government accountability in ensuring that full and accurate records of the affairs of national government and the local government units are maintained and preserved;
- (d) enhance public confidence in the integrity of public recordkeeping and management;
- (e) ensure the accessibility of public records that are relevant to the promotion and preservation of Philippine cultural heritage; and
- (f) support the safekeeping of private records with archival value by providing a comprehensive program for their registration and accreditation.

**RULE 5**  
***Definition of Terms***

**ART. 8.** For purposes of these Rules, the following definition of terms are hereby adopted:

- (a) *Administrative Value* – refers to the usefulness of records to the originating or succeeding agency in the conduct of current business;
- (b) *Agency Head* – refers to the person responsible for the performance of a government office and/or the person responsible for, the performance of the local government unit (LGU), such as the chief *local* executive elected under the Local Government Code of 1991;
- (c) *Approved Repository* – refers to a repository approved by the ED as provided for in R.A. 9470 and this rule;
- (d) *Archival Audit* - refers to the periodic inspection of the archival holdings of government offices, whether national or local for purposes of registration and accreditation consistent with the provision of Sec. 14 of R.A. 9470;
- (e) *Archival Value* – refers to the value attached to records that remain useful for the three (3) branches of the government; legislative, judiciary, executive, and the general public because those records make government accountable to its citizens; provide evidence about public policies and programs; protect or verify individuals' rights and entitlements; and provide information about the important people, issues, places, and events that make up the story of Philippines' history;
- (f) *Archives* – shall refer to:
  - (1) public records, papers, periodicals, books or other items, articles or materials, whether in the form of electronic, audio-visual, or print, which by their nature and characteristics have enduring archival value, that have been selected for permanent preservation;
  - (2) the place (building/room/storage area) where archival materials are kept and preserved; and
  - (3) an organization (or part of an organization) whose main function is to select, collect and preserve archival records and make such records available for public use;

- (g) *Controlling Government Agency* – shall refer to:
- (1) public office that controls the public records;
  - (2) public office that has the power to determine the conditions of access to the public archives; and
  - (3) any successor of a public office that is abolished, merged or reorganized;
- (h) *Controlling Local Government* – shall refer to:
- (1) the LGU that has custody and control over the local government records; and
  - (2) any successor to the LGU that is abolished, merged or reorganized;
- (i) *Disposal* – refers to the act of selling, burning, or any other way of discarding valueless records in accordance with the provision of R.A. 9470;
- (j) *Document* – refers to recorded information regardless of medium or characteristics. Frequently used interchangeably with “records”;
- (k) *Estray Records* – refers to public records that are no longer under the custody and control of the National Archives or a controlling government office;
- (l) *Executive Director* – refers to the head of the National Archives of the Philippines;
- (m) *Fiscal Value* – refers to the information on the usefulness of records about the financial transactions and obligations of agencies and organizations;
- (n) *General Records Disposition Schedule* – refers to a records control schedule governing the disposition of a specified recurring records series common to all agencies;
- (o) *Government Agency or Office* – refers to any public office, department, bureau, agency and instrumentality, whether belonging to the national government or an LGU;

- (p) *Government Agency Repository* – refers to a facility that provides a proper environment for the purpose of storing records and materials that require permanent protection for historic and lifetime storage, upkeep, and preservation under the supervision of the agency records office;
- (q) *Inventory* – refers to a descriptive listing of the records holding 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;
- (r) *Judicial Records* – refers to records presented to, or belonging to, the Supreme Court including all the judicial courts and judicial organizations under its jurisdiction;
- (s) *Legal Value* – refers to the value of records containing evidence of legally enforceable rights or obligations of government and/or private person;
- (t) *Legislative Records* – refers to records presented to, or belonging to the Philippine Senate and the House of Representatives or any of its committees;
- (u) *Local Government Archives* – refers to local government records that have been collected by the controlling local government unit that served as historical evidences in the performance of its duties;
- (v) *Local Government Records* – refers to records in any form, in whole or in part, created or received, whether before or after the effectivity of R.A. 9470, by a local government unit in the conduct of its affairs;
- (w) *National Archives* – refers to the National Archives of the Philippines, which is established and strengthened under R.A. 9470;
- (x) *Open Access Records* – refers to:
  - (1) public records that have been in existence for at least thirty (30) years or have been transferred under the custody and control of the ED, and that are classified as open access records as referred to in Sec. 30 and to which public access have not been prohibited, under Section 31 of R.A. 9470;

- (2) local government archives that are no longer in use, or have been in existence for at least thirty (30) years and are classified as open access records referred under Sec. 32, and to which public access have not been prohibited, under Sec. 33 of R.A. 9470;
- (y) *President* – refers to the President of the Republic of the Philippines;
- (z) *President's Papers* – refers to records created or received, whether before or after the effectivity of R.A. 9470, by a President while holding office as a President of the Philippines;
- (aa) *Protected Record* – 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;
- (bb) *Public Access Registry* – refers to public access register containing prohibition and restriction on the unauthorized disclosure and access of information in any public records;
- (cc) *Private Archives/Collections* – refers to records belonging to private individuals and/or entities which are of archival value;
- (dd) *Public Archives* – refers to public records that are under the custody and control of the ED;
- (ee) *Public Records* – refers to records or classes of records, in any form, in whole or in part, created or received, whether before or after the effectivity of R.A. 9470, 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;
- (ff) *Records* – refers to information, whether in its original form or otherwise, including documents, signatures, seals, texts, images, sounds, speeches, or data compiled, recorded, or stored, as the case may be:
- (1) in written form on any material; or
  - (2) on film, negative, tape, or other medium so as to be capable of being reproduced; or



- (3) by means of any recording device or process, computer, or other electronic device or process;
- (gg) *Records Center/Storage Area* – refers to an intermediate repository in which non-current records of various government offices are stored until they can be destroyed or transferred to the National Archives of the Philippines;
- (hh) *Records Custodian* – refers to any agency employee with responsibilities over a particular set of records. A records custodian must keep the Records Officer informed of any issues regarding the records in their custody;
- (ii) *Records Disposition* – refers to the systematic transfer of non-current records from office to storage area, identification and preservation of archival records and the destruction of valueless records;
- (jj) *Records Disposition Schedule* – 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 (inactive) area and its preservation or destruction;
- (kk) *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;
- (ll) *Records Management Audit* – refers to the periodic inspection of the records holdings of government offices, whether national or local for purposes of identifying and incorporating records series that are not yet included in the agency RDS;
- (mm) *Records Office* – refers to an organizational unit responsible for planning, developing, prescribing, disseminating and enforcing policies, rules and regulations and coordinating agency-wide records management program;
- (nn) *Records Officer* – refers to the employee responsible for overseeing the records management program and providing guidance on adequate and proper recordkeeping;
- (oo) *Records Series* – refers to a group of related records arranged under a single unit or kept together as a unit because they deal with a particular subject, result from the same activity or have a special form;

- (pp) *Replevin* – refers to an action to recover public records said or claimed to be unlawfully taken and/or the writ or procedure of such an action;
- (qq) *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 ED that requires such public records to be withheld from public access;
- (rr) *Retention Period* - refers to the specific period of time established and approved by the National Archives of the Philippines as the life span of records, after which they are deemed ready for permanent storage or destruction;
- (ss) *Standards* – refers to the circulars and orders issued by the ED pursuant to the provisions of R.A. 9470;
- (tt) *Transfer of Records* – refers to the systematic movement of records out of high cost space and equipment to less expensive storage area/Records Center;
- (uu) *Valueless Records* – refers to all records that have reached the prescribed retention periods and outlived the usefulness to the agency or the government as a whole;
- (vv) *Vital Records* – refers to records containing information essential for: emergency operation during a disaster; the resumption and/or continuation of operations; the re-establishment of the legal, financial and/or functional status of the organization; and the determination of the rights and obligations of individuals and corporate bodies with respect to the organization.

## TITLE II NATIONAL ARCHIVES OF THE PHILIPPINES

### RULE 6 *Establishment*

**ART. 9.** A National Archives of the Philippines is hereby established to store, preserve, conserve and made available public archives for the utilization and appreciation of the public.

**ART. 10.** The said institution shall be attached to the NCCA for budgetary purposes.

**RULE 7**  
***Mandate***

**ART. 11.** The National Archives of the Philippines shall primarily be responsible for the implementation of the objectives and provisions of R.A. 9470. It shall plan, develop, prescribe, disseminate and enforce policies, rules and regulations and coordinate government-wide programs governing the creation, general protection, use, storage and disposition of public records including the acquisition, storage and preservation of public archives and providing facilities for reference, research or other purposes.

**RULE 8**  
***Functions***

- ART. 12.** The National Archives of the Philippines shall:
- (a) conduct archival researches using archival materials here and abroad and cause the publication and dissemination of valuable archival information subject to the open access provisions of R.A. 9470 and other existing laws;
  - (b) facilitate the acquisition of a permanent and suitable building for the National Archives of the Philippines to house the country's archival holdings and public records;
  - (c) plan, formulate and implement a records management and archival administration program for the efficient creation, utilization, maintenance, retention, preservation, conservation and disposal of public records including the adoption of security measures and vital records protection program for the government;
  - (d) give technical assistance to all branches of government, whether national or local, constitutional offices, GOCCs, GFIs, S/LUCs, Philippine embassies, consulates and other Philippine Offices abroad in the planning, implementation and evaluation of their public records management and archives administration programs;
  - (e) conduct training programs on records and archives management including the establishment of an archival system of both public and private sectors;
  - (f) acquire through transfer, donation, purchase or any other means public records and private archives which in the judgment of the ED has enduring archival value;

- (g) ensure the preservation and conservation of existing and future archival resources of the government;
- (h) issue, transmit and/or authenticate reproduced copies, certified true copies or certifications on public archives and/or extracts thereof;
- (i) keep a Registry of all public records under the custody and control of the National Archives of the Philippines which shall be made available for public inspection, to include among others:
  - (1) all public records transferred to Regional Archives, Records Center and the National Archives of the Philippines under R.A. 9470 Sec. 20;
  - (2) public records disposed of under R.A. 9470 Sec. 18 and 19;
  - (3) a public access register that contains information on:
    - (3.i) restrictions on public access to public records imposed under Sec. 34 of R.A. 9470;
    - (3.ii) prohibitions imposed under Sec. 36 of R.A. 9470 on public access to public archives or protected records in the control of the ED;
    - (3.iii) the grounds for the prohibitions and restrictions recorded under this paragraph; and
    - (3.iv) the conditions agreed to under Sec. 23 of R.A. 9470 as to public access for protected records transferred to the control of the ED.
- (j) obtain, recover, transfer and have custody and management of all the public archives not in the custody of the National Archives of the Philippines;
- (k) accept, store, preserve and conserve any public archive transferred to the National Archives of the Philippines;
- (l) establish, maintain, operate Regional Archives and Records Centers and/or provide technical assistance to government agencies on the establishment of Agency Records Centers;

- (m) identify and make copies of vital public records which are essential to the continuous operation or reconstruction of an organization during and after an emergency and also those records essential to the protection of rights and interests of that organization and of the individuals directly affected by its activities; and
- (n) publish any public archives or any part of the archives subject to the terms and conditions on which they are obtained, and subject to copyright laws.

### **TITLE III STRUCTURE AND STAFFING PATTERN**

#### **RULE 9 *Appointment of Executive Director***

**ART. 13.** The National Archives of the Philippines shall be headed by an ED who shall be appointed by the President of the Philippines. Such position shall have a rank equivalent to a Bureau Director.

**ART. 14.** The ED shall have a fixed term of five (5) years. In case of vacancy in the position of the executive director, the appointee shall serve the unexpired term of the predecessor.

#### **RULE 10 *Hold-Over Capacity***

**ART. 15.** The incumbent Director and Assistant Director of the RMAO shall continue to serve in their respective capacity as the Director and Assistant Director of the National Archives of the Philippines for one (1) year or until the completion of their respective terms of office or unless such terms of office are extended by the President: *Provided*, that such extension shall not exceed the five (5)-year term of office allowed under R.A. 9470.

#### **RULE 11 *Qualifications of Executive Director***

**ART. 16.** No person shall be appointed or designated as ED of the National Archives of the Philippines unless he/she possesses the following minimum qualifications:

- (a) a Filipino citizen;
- (b) of good moral character and of unquestionable integrity;

- (c) a holder of a Master's Degree in History, Political Science, Public Administration/ Government Management, Library Science, Information Management or similar fields of study; and
- (d) at least ten (10) years of actual experience in records management and archives administration.

**RULE 12**  
***Functions of the Executive Director***

**ART. 17.** The ED shall have the following functions:

- (a) establish policies, standards and guidelines related to public records management and archives administration programs, including the publication of guides, inventories and finding aids required to disseminate information on the holdings of the National Archives of the Philippines;
- (b) examine, identify and determine records of government agencies and classify and preserve those which are of permanent or enduring historical value and/or advise on the creation, maintenance, storage, use and disposition of such records;
- (c) direct and determine the mode of disposing of or destroying or authorizing the disposal or destruction of public records;
- (d) take suitable measures in preserving and conserving public archives which are under the custody and control of the National Archives of the Philippines;
- (e) acquire through transfer, donation, purchase or any other means public records and private archives which in his/her judgment has enduring historical value;
- (f) determine and establish measures on access and usage of public archives;
- (g) provide maintenance and security and report to the President any loss of public records in the custody and control of the National Archives of the Philippines and initiate appropriate action to recover them;
- (h) enter into agreements with any archival or historical institutions here and abroad to acquire or copy original documents or archival materials to enhance the archival and historical holdings of the Philippines;

- (i) establish and implement government-wide program on Public Records and Archives Counter Disaster Planning;
- (j) establish linkages with local and foreign organizations engaged in public records management and archives administration;
- (k) ensure the safekeeping of a Registry in accordance with the requirements of R.A. 9470;
- (l) issue rules and regulations for all or any of the following purposes:
  - (1) regulating the transfer of public records from any government office to National Archives of the Philippines or to an approved repository;
  - (2) regulating the manner of destruction or other disposal of public records;
  - (3) regulating the admission of the public to the National Archives of the Philippines and the use by the public of public archives deposited in the National Archives of the Philippines;
  - (4) providing for the custody and preservation of Presidents' papers and private records deposited in the National Archives of the Philippines, and prescribing the fees to be charged for custody and preservation thereof; and
  - (5) prescribing forms for the proper and effective implementation of R.A. 9470; and
- (m) perform such other functions as may be necessary.

### **RULE 13**

#### ***Authority to Review Classified Records***

**ART. 18.** The ED shall:

- (a) From time to time, review or cause the review of any classified records which are in the custody and under the control of the National Archives of the Philippines.
- (b) For the purpose of subsection (a) and subject to subsection (c) herein, the ED shall have the power to inspect the contents of any classified records and declassify those classified records which are in the custody and under the control of the National Archives of the Philippines.

- (c) The review and reclassification or declassification of any classified records shall be carried out in accordance with existing laws, issuances and regulations on classified documents.

#### **RULE 14**

##### ***Authority to Designate Personnel***

**ART. 19.** The ED may, by an instrument in writing, delegate and/or appoint an Acting Director designated as officer-in-charge whenever he/she shall be unable to perform the duties of his/her office due to illness, absence, or other cause. Such power to delegate shall be subject to the provision of Sec. 40, Chapter 8, Book IV of Executive Order No. 292.

**ART. 20.** The ED may also, in writing, delegate any of his/her functions, subject to conditions, limitations or restrictions as he/she thinks fit, to a person or class of persons who may perform those functions in the same manner and with the same effect as if those functions had been conferred on him/her or them, subject to the provision of Sec. 40, Chapter 8, Book IV of Executive Order No. 292.

**ART. 21.** A person purporting to act pursuant to a delegation made under this Rule shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegations.

#### **RULE 15**

##### ***Revocation of Temporary Designation***

**ART. 22.** The person so appointed, under the immediately preceding Rule, may perform all the duties imposed on the ED by law until such temporary designation is deemed revoked.

#### **RULE 16**

##### ***Authority to Appoint Consultant***

**ART. 23.** The ED may, from time to time, as and when necessary, appoint any person who possesses the ability and expertise to carry out archival research and documentation work.

**ART. 24.** The term of appointment of a consultant shall be prescribed in a contract of service.

**ART. 25.** The functions of a consultant are as follows:

- (a) to assist documentation work;



- (b) to do research for the purpose of, and compile and produce, archival publications; and
- (c) to assist in any activities as may be deemed necessary by the ED.

#### **RULE 17**

##### ***Appointment of Deputy Executive Directors***

**ART. 26.** The ED of the National Archives of the Philippines shall be assisted by two (2) Deputy Executive Directors (DED) who shall be responsible for archives administration and records management.

**ART. 27.** No person shall be appointed or designated as DED of the National Archives of the Philippines unless he/she possesses the following minimum qualifications:

- (a) a Filipino citizen;
- (b) of good moral character and of unquestionable integrity;
- (c) a holder of a Master's Degree in History, Political Science, Public Administration/Government Management, Library Science, Information Management or similar fields of study; and
- (d) at least five (5) years experience in records management and archives administration.

#### **RULE 18**

##### ***Staffing Pattern***

**ART. 28.** The National Archives of the Philippines shall maintain the existing staffing pattern provided under Executive Order No. 285 which provides that the ED shall within a year, recommend the reorganization and restructuring of the National Archives of the Philippines needed to carry out the provisions of Republic Act No. 9470, subject to the rules and regulations of the Department of Budget and Management (DBM) and Civil Service Commission (CSC).

#### **RULE 19**

##### ***Civil Service Law, Rules and Regulations, and Other Related Issuances***

**ART. 29.** All matters pertaining to human resources and development in the National Archives of the Philippines shall be governed by the Civil Service Law, Rules and Regulations and other issuances.

**TITLE IV  
MANAGEMENT OF PUBLIC RECORDS**

**RULE 20**

***Establishment of Archives and Records Offices/Units***

**ART. 30.** All government offices shall each establish a separate Archives and Records Office/Unit from their organic personnel in coordination with either the DBM or the highest approving body of an agency and the National Archives of the Philippines within a year from the date of effectivity of R.A. 9470. It 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.

**ART. 31.** The said Archives and Records Office/Unit shall be headed by a Records Officer or an Archivist who shall be appointed by the head of the government office subject to the applicable policies and guidelines promulgated by the CSC on appointment/designation of public servants in government service.

**ART. 32.** Upon the effectivity of these Rules, every LGU should establish an archival system to ensure the safety and protection of all public documents and records such as records of births, marriages, deaths and such other documents and records of public interest in the various offices and departments in the province, city, or municipality, and the barangay concerned.

**RULE 21**

***Appointment of Qualified Records Officer and  
Designation of Records Custodian***

**ART. 33.** Each government agency shall appoint qualified Records Officers for the purpose of implementing and overseeing a records management program and to serve as liaison with the National Archives of the Philippines.

**ART. 34.** In the absence of a qualified Records Officer, a Records Custodian may be designated temporarily by the head of the agency or appointing body.

**RULE 22**

***Duties of Public Officials and Employees  
concerning Public Records***

**ART. 35.** It shall be the responsibility of every public official and employee to:

- (a) Adequately document the transaction of public business and the services and programs for which such persons are responsible;
- (b) Retain and adequately protect all public records in their custody; and
- (c) Cooperate with the National Archives of the Philippines and Records Officers in their respective offices, agencies or institutions in the establishment and maintenance of an active and continuous program for the economical and efficient management of public records.

**ART. 36.** No officer, member or employee of any agency of the government, whether national or local, or any political subdivision thereof shall destroy, sell or otherwise dispose of any public records or printed public document in such person's care or custody or under such person's control without first having secured authority from the National Archives of the Philippines of their nature and obtained its authorization.

#### **RULE 23**

##### ***Duty of Public Officials on Conservation of Records***

**ART. 37.** All public officials and employees of the government, whether national or local, and the political subdivisions thereof shall consult with the National Archives of the Philippines regarding proper methods and materials before undertaking the conservation of any public records.

#### **RULE 24**

##### ***System of Registration and Accreditation***

**ART. 38.** The National Archives of the Philippines shall institute a comprehensive program for the registration and accreditation of various public archives nationwide. Such system of registration and accreditation shall include among others, the mechanism for updating public archives of recent methods, techniques and procedures in records management and the annual reportorial requirements of their archival holdings. Towards this end, the National Archives of the Philippines shall conduct an archival audit consistent with the provision of Sec. 34 of R.A. 9470.

#### **RULE 25**

##### ***Inventory of Public Records***

**ART. 39.** All government offices shall regularly conduct an inventory of their public records and shall be mandated to keep the following data in their respective registry:

- (a) all public records under its custody;

- (b) all public records transferred to the National Archives of the Philippines;
- (c) public records disposed of with authority under Sec. 18 and 19 of R.A. 9470;
- (d) data of deferred transfer under Sec. 21 of R.A. 9470;
- (e) a public access register that contains information on:
  - (1) restrictions on public access to public records imposed under Sec. 31(g) of R.A. 9470;
  - (2) prohibitions imposed under Sec. 36 of R.A. on public access to public archives or protected records under the control of the ED;
  - (3) the grounds for the prohibitions and restrictions stipulated under Sec. 36 and 37 of R.A. 9470; and
  - (4) the conditions agreed to under Sec. 23 of R.A. 9470 as to public access for protected records is transferred to the control of the ED.

**ART. 40.** Heads of all government departments, bureaus, agencies and instrumentalities concerned shall endeavor and ensure the full public accessibility of said Registry.

#### **RULE 26**

#### ***Deposit and Preservation of Deeds, Plans, etc. of State Buildings and Public Works***

**ART. 41.** 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 alterations thereto, shall be deposited with the National Archives of the Philippines.

**ART. 42.** All government agencies, offices and institutions shall deposit with the National Archives of the Philippines a copy of original deeds of all government-owned properties. The National Archives of the Philippines shall give a receipt for each deed received into its custody.

**RULE 27**  
***Records Disposition Schedules***

**ART. 43.** The National Archives of the Philippines shall, after consultation with appropriate government offices, agencies, or political subdivisions, establish records disposition schedule/s setting forth the minimum length of time that records need to be retained. If any local ordinance or regulation provides a retention period different from that established by the records disposition schedule, the retention period established by law or regulation shall govern.

**RULE 28**  
***Agency Records Disposition Schedule***

**ART. 44.** All government offices, including GOCCs and GFIs, shall prepare and submit a Records Disposition Schedule (RDS) in the prescribed form, which upon approval by the ED shall govern the disposition of all the records of that government office.

**RULE 29**  
***General Records Disposition Schedule***

**ART. 45.** The National Archives of the Philippines shall develop a General Records Disposition Schedule (GRDS) that shall prescribe the disposition of public records common to all government offices.

**RULE 30**  
***Disposal of Public Records***

**ART. 46.** 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 ED.

**RULE 31**  
***Authority for the Disposition of Public Records***

**ART. 47.** The ED shall authorize in writing the disposition of public records referred hereunder:

- (a) transferring control of the public records to another government office;
- (b) transferring control of the public records to the ED;
- (c) destroying the public records; or

- (d) selling the public records.

**RULE 32**  
***Notice of Disposing of Public Records***

**ART. 48.** Before authorizing a disposition of public records as prescribed in R.A. 9470, the head of a government office shall give the ED at least thirty (30) days notice prior to:

- (a) the intention to transfer control of the public records, with a general list and description of the public records concerned;
- (b) the intention to dispose the public records, with a general list and description of the public records concerned; and
- (c) the place where additional information may be obtained on the public records concerned and the person to whom any comments may be sent.

**RULE 33**  
***Transfer of Public Records***

**ART. 49.** This Rule shall apply to all public records regardless of whether they were taken possession of before or after the effectivity of R.A. 9470.

**ART. 50.** Heads of government offices shall cause the transfer of the following public records under their control and custody, to the control and custody of the National Archives of the Philippines:

- (a) archival materials or collections of any government office which are more than thirty (30) years old and which it can no longer be maintained and preserved;
- (b) non-current public records that, in the judgment of the ED, are of permanent and enduring archival value or both to warrant their preservation;
- (c) public records of a government office that ceases to exist as a public office, or ceases to exercise a function to which its public records relate, unless otherwise provided by law that a government agency shall take over the responsibilities for those public records;
- (d) non-current public records of a government office that has thirty (30) years or more retention periods; and

- (e) inactive personnel records with archival value.

#### **RULE 34**

##### ***Deferred Transfer of Public Records***

**ART. 51.** The ED may defer the transfer of any public records if he/she is satisfied that by reason of the nature of the public records concerned, the immediate transfer of the public records shall prejudice the administration of any public office or would be contrary to public interest.

**ART. 52.** Nothing in this Rule shall be deemed to authorize the transfer of classified records except with prior written consent of the head of the government office charged with the control and custody of public records.

**ART. 53.** Nothing in this Rule shall be construed as affecting or extending the law relating to copyright.

#### **RULE 35**

##### ***Surrender of Public Records***

**ART. 54.** Public records shall be surrendered on demand.

**ART. 55.** Public records, in the possession of a private person who has special permission to keep and handle records in the course of his/her official duties, which in the opinion of the ED are or likely to be of permanent and enduring archival value, shall, on demand by the ED or a proper officer be surrendered to the custody and control of the National Archives of the Philippines.

**ART. 56.** A public record, which is demanded, need not be surrendered if the head of the government office has permitted the person referred to in the immediately preceding subsection to retain possession of the records.

#### **RULE 36**

##### ***Turn Over of Records to Successor or to the National Archives of the Philippines***

**ART. 57.** A person having custody of public records, at the expiration of his/her term of office or employment, shall deliver to his/her successor, or if there is none, to the National Archives of the Philippines, all public records in his/her custody.

### **RULE 37**

#### ***Transfer of Records upon Abolition of Government Agencies; Political Subdivisions***

**ART. 58.** All public records which are in or shall come into the possession of any government agency or political subdivision shall, upon abolition and/or absorption of such agency, be transferred to the custody of the National Archives of the Philippines; *Provided*, That such transfer is consistent with the provision of any law or ordinance that declared the abolition and/or absorption of that government agency.

### **RULE 38**

#### ***Non-Applicability of Requirement to Transfer Public Records***

**ART. 59.** The requirement to transfer public records under Sec. 20(a) of R.A. 9470 does not apply to the following:

- (a) public records whose disposition are under or part of specific Acts, laws or regulations;
- (b) if the head of the controlling government office and the ED have agreed in writing that the transfer of the public records may be deferred for a specified period on any conditions that the head and the ED consider appropriate; or
- (c) public records that are in electronic form, if the ED instructs the controlling government office in writing to continue to maintain and control those records after the expiry of the thirty (30)-year period.

**ART. 60.** An agreement entered into under Sec. 21(a)(2) of R.A. 9470 may be renewed for further specified periods by agreement between the administrative head of the controlling public office and the ED of the National Archives of the Philippines.

**ART. 61.** An instruction issued under Sec. 21(c) and in accordance with Sec. 21(a)(3) of R.A. 9470:

- (a) must identify the public records to which the instruction relates;
- (b) may contain conditions relating to the preservation and use of the public records concerned; and
- (c) may specify a date for the transfer of the records to the control of the ED.



**ART. 62.** Every deferred transfer under this Rule shall be noted in the Registry of Deferred Transfers, in accordance with Sec. 15(e) of R.A. 9470.

**RULE 39**  
***Recovery of Records; Replevin***

**ART. 63.** The Records Officer or any appropriate authority on records management of each government agency and political subdivision shall notify the National Archives of the Philippines of any actual, impending or threatened unlawful removal, defacing, alteration or destruction of records that shall come to his/her attention, and with the assistance of the National Archives of the Philippines shall initiate action through the Office of the Solicitor General for recovery of such records as shall have been unlawfully removed and for such other redress as may be provided under R.A. 9470 or any applicable provisions of law.

**ART. 64.** Upon the request of the ED of the National Archives of the Philippines, the Solicitor General shall have the authority to enjoin, recover and replevin any public records which have been unlawfully transferred or removed in violation of this Rule or otherwise transferred or removed unlawfully through whatever means of equitable relief necessary. Such records shall be returned to the office of origin or to the National Archives of the Philippines.

**RULE 40**  
***Regional Archives, Records Center and Agency Records Center***

**ART. 65.** Pursuant to the objectives of R.A. 9470, the following may be established, maintained and operated by the National Archives of the Philippines:

- (a) Regional Archives – they shall be responsible for the storage, processing, servicing and preservation of public archives of government offices in a region or regions.
- (b) Records Centers – they shall be responsible for the storage, processing and servicing of the transferred non-current records.
- (c) Agency Records Centers – to be 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.

**RULE 41**  
***Protected Records of Local Governments***

**ART. 66.** The ED may, by notice in the Official Gazette made after consultation with any local government concerned, declare that a local government records is a protected records for purposes of this Rule.

**ART. 67.** A local government unit shall provide for the adequate protection and preservation of protected records it holds, in accordance with any applicable standards or instructions issued by the ED.

**ART. 68.** An LGU shall not dispose of protected records unless it has:

- (a) notified in writing the ED of its intention to dispose of the protected records;
- (b) identified the protected record concerned; and
- (c) specified how it intends to dispose of the protected records.

**ART. 69.** Not later than three (3) months after receiving written notification under Art. 69(a) of this Rule, the ED shall:

- (a) direct the local government in writing to transfer the protected records to the control of the ED, subject to conditions agreed by the head of an LGU and the ED; or
- (b) authorize the disposal of the protected records identified under Art. 69(b) of this Rule.

**RULE 42**  
***Approvals of Repositories***

**ART. 70.** The ED may:

- (a) bestow upon an appropriate archives, such as a museum, a library, another archives, or a local government repository, as an approved repository where public archives may be deposited for safekeeping;
- (b) amend or revoke such grant of approval as stipulated under Sec. 24(a)(1) of R.A. 9470.

**ART. 71.** The ED may:

- (a) at any time after giving reasonable notice, inspect an approved repository;

- (b) with the agreement of the head of the controlling government office and the consent of the approved repository, deposit public archives in an approved repository: or conditions on, or issue instructions to, an approved repository for the purpose;
- (c) impose standards of ensuring that the national interests in the public archives are preserved; the public archives are properly maintained; and appropriate public access to the public archives is maintained;
- (d) direct an approved repository to transfer public archives to the possession of the National Archives of the Philippines, or another approved repository, or the controlling government office.

**TITLE V**  
**TRANSPARENCY OF TRANSACTIONS AND ACCESS TO INFORMATION**

**RULE 43**  
***Establishment of Information System***

**ART. 72.** The National Archives of the Philippines shall establish within one (1) year from the promulgation of these Rules an information system that will inform the public of the following: (a) policies, rules, and procedures; and (b) guidelines, standards and other documents related to public archives and information.

**RULE 44**  
***Limitations of Access to Public Information***

**ART. 73.** The National Archives of the Philippines shall provide official information, records or documents to any requesting public, subject to applicable fees and charges, except if:

- (a) such information, record or document must be kept secret in the interest of national defense or security or the conduct of foreign affairs, subject to the policies and guidelines stipulated under Memorandum Circular No. 78, s. of 1964, as amended by Memorandum Circular No. 196, s. of 1968, Office of the President of the Philippines;
- (b) such disclosure would put the life and safety of an individual in imminent danger; it would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

- (c) the information, records or document sought falls within the concepts of established privilege or recognized exceptions as may be provided by law or settled policy or jurisprudence;
- (d) such information, records or document compromises drafts or decisions, orders, rulings, policies, decisions, memoranda, etc.;
- (e) it would disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records or information would:
  - (1) interfere with enforcement proceedings;
  - (2) deprive a person of a right to a fair trial or an impartial adjudication;
  - (3) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
  - (4) unjustifiably disclose investigative techniques and procedures.
- (f) it would disclose information, the premature disclosure of which would:
  - (1) in the case of a department, office or agency which agency regulates currencies, securities, commodities, of financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities or significantly endanger the stability of any financial institution; or
  - (2) in the case of any department, office or agency be likely or significantly to frustrate implementation of a proposed official action, except that of Rule 44(e)(2) herein shall not apply in any instance where the department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.

**RULE 45**  
***Confidentiality***

**ART. 74.** The National Archives of the Philippines shall protect and uphold the right of individuals, groups and/or organizations to privacy, including records, protocols and policies against indiscriminate usage.

**ART. 75.** Confidentiality shall encompass all forms of communication that directly or indirectly lead to the disclosure of information on the identity or personal circumstances of any person, group or organization. This information may include but is not limited to the name, address, picture, physical description or any other characteristic of a person which may lead to his/her identification.

**RULE 46**  
***Exceptions to the Mandate of Confidentiality***

**ART. 76.** The requirement for confidentiality shall be waived in the following instances:

- (a) When responding to a subpoena *duces tecum* and subpoena *ad testificandum* issued by a court with jurisdiction over legal proceedings;
- (b) When complying with the reporting requirements as provided in Sec. 28 of R.A. 9470; and
- (c) When employees and officials of the National Archives of the Philippines are performing such functions that are inevitably part of the work process.

**ART. 77.** All employees and officials of the National Archives of the Philippines are presumed to maintain shared professional confidentiality of the herein described classified records and documents.

**TITLE VI**  
**STANDARDS, INSPECTION, REPORTING AND AUDIT**

**RULE 47**  
***Effectivity of Standards***

**ART. 78.** All standards issued by the ED shall be published in the Official Gazette or in a newspaper of general circulation not later than ninety (90) days before its effectivity. In the absence of such required publication, the National Archives of the Philippines shall deem it not effective.

**RULE 48**  
***Inspection Powers***

**ART. 79.** The ED may, after giving reasonable notice of fifteen (15) working days to a government office inspect 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: *Provided*, however, that the ED is prohibited from exercising such power to inspect in cases where public records:

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

**ART. 80.** The provision of this Rule applies, with the necessary modifications, to local government records and local government archives.

**RULE 49**  
***Direction to Report to the Executive Director***

**ART. 81.** The ED may give notice in writing directing the head of a government office or of an approved repository to report to the ED or to any other person on:

- (a) any specified aspect of its recordkeeping practice; or
- (b) the public records that it controls or, in the case of an approved repository, has possession of.

**RULE 50**  
***Annual Report on Recordkeeping***

**ART. 82.** The ED shall make an annual report to the President on the state of recordkeeping within government offices.

**ART. 83.** The said report shall be included in the annual report given to the President where the same shall be furnished to the Congress.

**RULE 51**  
***Records Management Program***

**ART. 84.** A records management program directed to the application of efficient and economical management methods and relating to the creation, utilization, maintenance, retention, preservation, and disposal of public records shall be established and administered by the National Archives of the Philippines.

**ART. 85.** It shall be the duty of the National Archives of the Philippines to establish and develop standards, procedures, techniques, and schedules for effective management of public records; to make continuing surveys of record-making and recordkeeping operations, to recommend improvements in current records management practices, including the use of space, equipment, and supplies in creating, maintaining, and servicing records; to institute and maintain a training and information program in all phases of records and information management; to bring approved and current practices, methods, procedures, and devices for the efficient and economical management of records to the attention of all agencies and subdivisions. The head of each agency, the governing body of each subdivision, and every public records custodian shall cooperate with the National Archives of the Philippines in complying with the provisions of R.A. 9470 and to establish and maintain an active, continuing program for the economical and efficient management of the records of the agency or political subdivision.

#### **RULE 52**

#### ***Records Management Audit***

**ART. 86.** The ED shall conduct a periodic inspection of the records holdings of the National Archives of the Philippines and of other government offices, whether national or local.

**ART. 87.** All heads of each government office, whether national or local, shall have the duty to grant access to all of its records for audit purposes. Records found not included in their agency's RDS shall be entered in the prescribed form for approval of the National Archives of the Philippines.

**ART. 88.** Such audit shall be conducted after five (5) years from the date of effectivity of R.A. 9470 and every five (5) years thereafter.

### **TITLE VII**

### **ADMINISTRATION OF PUBLIC ARCHIVES**

#### **RULE 53**

#### ***Public Access; Determination of Access Status as Open or Restricted***

**ART. 89.** When public records have been in existence for thirty (30) years or more are about to be transferred to the custody and control of the ED under Sec. 20 of R.A. 9470, the head of the controlling government office shall, in accordance with this Rule and the succeeding Rule, classify the records as either:

- (a) Open Access Records; or

(b) Restricted Access Records.

**ART. 90.** The head of a controlling government office may, at any time, change the classification of public records, referred to in accordance with Sec. 25 of R.A. 9470.

**RULE 54**  
***Grounds for Determining Access Status***

**ART. 91.** In classifying the access status of public records under Sec. 30 of R.A. 9470, the head of the controlling government office shall consider existing rules and regulations on classified records.

**ART. 92.** If there are no good reasons to restrict public access under the immediately preceding article, or if no legal impediment exists that requires a public record to be withheld from public access, the head of the controlling government office shall classify the record as an Open Access Record.

**ART. 93.** If there are good reasons for restricting public access under Art. 91 hereof this Rule, or if such legal impediment exists requiring such public record to be withheld from public access, the head of the controlling government office shall, in consultation with the ED, determine the necessity to restrict public access to the public records for a specified period of time or permit such public access with conditions.

**ART. 94.** The head of a controlling government agency after consultation with the ED may, at any time, vary or withdraw a condition imposed on public access records.

**ART. 95.** A public record subject to a restriction under Art. 93 hereof this Rule becomes an open access record on the withdrawal of the restriction.

**ART. 96.** The National Archives of the Philippines shall comply with the conditions of public access imposed under Art. 93 hereof this Rule.

**ART. 97.** A restriction on public access to a public records shall be noted in the Public Access Registry, in accordance with Section 15 (e)(1) of R.A. 9470.

**ART. 98.** Every controlling government office is responsible for dealing with requests for official and personal information under the existing laws and regulations on access to classified matters.



**RULE 55**  
***Access Status of Local Government Records***

**ART. 99.** When a local government record becomes a local government archive, the head of the local government shall classify it as either:

- (a) an Open Access Records; or
- (b) a Restricted Access Records.

**ART. 100.** The head of a local government may, at any time, change the classification of a local government records.

**RULE 56**  
***Grounds for Determining Access Status of Local Government Records***

**ART. 101.** In classifying the access status of local government records, the head of the controlling local government shall consider the following:

- (a) There are good reasons to restrict public access to the local government records, having regard to any relevant standard or advice issued by the ED; or
- (b) There exists a legal impediment that requires such local government records to be withheld from public access.

**ART. 102.** If there are no good reasons to restrict public access under Sec. 33(a)(1) of R.A. 9470, or if no legal impediment exists that requires local government records to be withheld from public access, the head of the controlling government office shall classify the records as an open access records.

**ART. 103.** If there are good reasons to restrict public access under Sec. 33(a)(1) of R.A. 9470, or if a legal impediment so requires a local government record to be withheld from public access, the head of the controlling local government shall, having regard to any relevant standard or advice issued by the ED, determine whether it is necessary to restrict public access to the local government record for a specified period of time: *Provided*, such shall not exceed thirty (30) years; *Provided*, further, that public access may be permitted subject to the appropriate conditions;

**ART. 104.** Despite Sec. 33(c) of R.A. 9470, the head of the local government may, if there is good reason to do so, restrict public access to the local government record for one or more further specified periods not exceeding thirty (30) years for each further period.

**ART. 105.** The head of the controlling local government, having regard to any relevant standard or advice issued by the ED, may vary or withdraw a condition imposed.

**ART. 106.** A local government record, subject to a restriction under Sec. 33(c) of R.A. 9470, becomes an open access record on the withdrawal of the restriction.

#### **RULE 57**

#### ***Public Inspections of Open Access Records***

**ART. 107.** An open access record shall be made available for inspection by the public as soon as it is reasonably practicable after a request to inspect the record is made to the government office, the LGU, the approved repository, or the National Archives of the Philippines, whichever has possession of the open access record.

#### **RULE 58**

#### ***Publication or Copying of Public Archives***

**ART. 108.** The ED may, subject to condition that he/she deems appropriate, authorize, in writing, the publication or replication of a public archive that is an open access record.

#### **RULE 59**

#### ***Prohibition on Public Access or Replication***

**ART. 109.** Accessing or replicating a public archive or protected record which is under the control and custody of the National Archives of the Philippines shall be deemed prohibited. Such prohibition on public access shall be noted in the Public Access Registry, in accordance with Sec. 15(e)(2) of R.A. 9470.

#### **RULE 60**

#### ***Certified Copies of Records Delivered for Preservation***

**ART. 110.** The National Archives of the Philippines may issue certified copies of any public records in its custody, which certified copies shall be admissible as evidence in any court of justice or administrative hearing in the same manner and entitled to the same weight and have the same effect as certified copies made by the official from whose office such records were received.

**ART. 111.** The DED for Archives Administration, in the absence of the ED, may certify copies of any public records in the custody of the National Archives of the Philippines with its seal.

## **RULE 61**

### ***Admissibility of Photographic Copies of Records in Evidence***

**ART. 112.** Photographs, photocopies or microfilms of any records photographed, photocopied or microfilmed as provided under R.A. 9470 shall have the same force and effect as the originals thereof would have had and shall be treated as originals for the purpose of their admissibility in evidence. Certified or authenticated copies of such photographs, photocopies or microfilm or enlargements thereof shall be admitted in evidence equally with the original photographs, photocopies or microfilm.

## **RULE 62**

### ***Restricted Access Records***

**ART. 113.** The period for which public access to a public record may be restricted under Sec. 30 of R.A. 9470, may upon the written request of the ED, be reviewed after the expiry of ten (10) years from the date that the restriction is recorded in the Public Access Registry: *Provided*, that before its expiry, it may be extended for further periods as specified by the head of the controlling government office.

## **TITLE VIII**

### **MISCELLANEOUS PROVISIONS**

## **RULE 63**

### ***National Archives of the Philippines Day***

**ART. 114.** The National Archives of the Philippines shall lead and enlist the cooperation of other government agencies, GFIs and the private sector in the commemoration of National Archives of the Philippines Day on the 21<sup>st</sup> day of October of every year.

## **RULE 64**

### ***Abolition and Transfer***

**ART. 115.** The Records Management and Archives Office is hereby abolished, all its assets, fixed and movable, and all contracts, records and documents relative to its operation are hereby transferred to the National Archives of the Philippines.

**ART. 116.** All agreements and contracts entered into by the RMAO shall remain in full force and effect unless otherwise terminated, modified or amended by the National Archives of the Philippines.

**ART. 117.** Officials and employees of the RMAO shall be absorbed by the National Archives of the Philippines on the basis of merit and fitness: *Provided*, That officers and employees who shall be separated from the service as a result of the abolition shall receive retirement and other benefits to which they are entitled under existing laws.

**RULE 65**  
***Exemption from Taxes***

**ART. 118.** Subject to pertinent sections of the National Internal Revenue Code of the Philippines and to the provisions of Republic Act No. 7356, the National Archives of the Philippines shall be exempt from paying import taxes and tariff duties on all art/display materials and equipment directly used for its non-profit programs including but not limited to the acquisition and the proper management of archival records, the purchase of such public records, and of the necessary chemicals and other materials for their preservation and/or restoration, exhibit and technical equipment and films.

**ART. 119.** Donations and legacies to the National Archives of the Philippines shall be exempt from donor's, estate and inheritance taxes.

**ART. 120.** The ED shall recommend to tax authorities the appropriate amount of exemption for donations of objects or donations in kind: *Provided*, That such amount of exemption shall have been referred to qualified external evaluators to determine the proper valuation of the donation.

**RULE 66**  
***Reorganization***

**ART. 121.** The ED shall have the authority to reorganize the structure of the National Archives of the Philippines, including its staffing pattern in order to carry out its functions.

**ART. 122.** Incumbents in the leadership structure of the existing RMAO shall automatically be upgraded to their analogous positions. With respect to the rest of the personnel, they shall be extended automatic reappointment except those who opt to avail of an early retirement scheme.

**TITLE IX  
OFFENSES AND PENALTIES**

**RULE 67  
Offenses**

**ART. 123.** A person who, willfully or negligently, damages a public record or disposes of or destroys a public record in violation to the provisions of R.A. 9470 or contravenes or fails to comply with any provision of said Act or these Rules shall be deemed to have committed an offense.

**RULE 68  
*Penalties for Violations***

**ART. 124.** Any public officer committing any of the unlawful acts or omissions mandated under this act shall be punished by a fine of not less than Five Hundred Thousand Pesos (Php 500,000.00) but not exceeding One Million Pesos (Php 1,000,000.00) or be imprisoned for not less than five (5) years but not more than fifteen (15) years and/or both fine and imprisonment at the discretion of the court without prejudice to the filing of administrative charges that would result to such public officer's perpetual disqualification from public office, and forfeiture, in favor of the government, of his salary and other lawful income.

**ART. 125.** Any violation of R.A. 9470 proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public officer, even if no criminal prosecution is instituted against him.

**ART. 126.** Any person who is convicted of an offense under Republic Act No. 9470 may, in addition to any penalty imposed for violation, be prohibited by order of the court from having access to the National Archives of the Philippines for any period that the court deems appropriate.

**RULE 69  
*Competent Court***

**ART. 127.** Until otherwise provided by law, all prosecutions under these Rules shall be within the original jurisdiction of the proper Regional Trial Court.

**RULE 70  
*Prescription of Offenses***

**ART. 128.** Pursuant to Section 43 of R.A. 9470, all offenses punishable under said Act shall prescribe in twenty-five (25) years.

**RULE 71**  
***Termination of Office***

**ART. 129.** No public officer shall be allowed to resign or retire pending an investigation, criminal or administrative, or pending a prosecution against him, for any offense under R.A. 9470 or under the relevant provisions of the Revised Penal Code.

**ART. 130.** Administrative proceedings for violation of these Rules shall be in accordance with Civil Service Laws and Rules.

**RULE 72**  
***Suspension and Loss of Benefits***

**ART. 131.** Any public official against whom any criminal prosecution under a valid information under R.A. 9470 or under the relevant provisions of the Revised Penal Code is pending in court shall be suspended from office.

**ART. 132.** Should such official or employee be convicted by final judgment, he/she shall lose all retirement or gratuity benefits under any law. However, if acquitted, he/she shall be entitled to reinstatement and to the salaries and benefits denied of him/her during suspension, unless administrative proceedings have been filed against him/her.

**TITLE X**  
**PERMANENT BUILDINGS**

**RULE 73**  
***Storage and Protection of Public Records***

**ART. 133.** All public records of the government, whether national or local, and the political subdivisions thereof shall be kept in facilities maintained by the agencies and offices responsible for the creation and maintenance of such records, unless the consent of the National Archives of the Philippines is obtained for their transfer or storage elsewhere.

**ART. 134.** The Records Officer or any appropriate person responsible for maintaining an office or offices wherein public records are created or kept shall establish such safeguards against damage, removal or loss of records as the Records Officer or any appropriate person shall deem necessary and as may be required by rules and regulations issued under authority of these Rules. Such safeguards shall include but are not limited to notifying all officials and employees of the requirements and penalties as provided for under R.A. 9470.

#### **RULE 74**

#### ***National Archives of the Philippines as Depository for Reports, Publications, Rules and Regulations***

**ART. 135.** The National Archives of the Philippines is hereby constituted the central depository for the reports, publications, rules and regulations of the government, whether national or local, and all political subdivisions thereof. It shall be the duty of all government agencies and political subdivisions to deposit with the National Archives of the Philippines two (2) copies of all reports and publications.

#### **RULE 75**

#### ***Permanent Buildings***

**ART. 136.** The National Archives of the Philippines shall acquire buildings and facilities to be developed for the purpose of conserving and safeguarding all permanent and other vital public records in its custody.

#### **RULE 76**

#### ***Friends of the National Archives of the Philippines***

**ART. 137.** For purposes of consolidating effort for public and private sector assistance and support for the realization of the vision and programs espoused under R.A. 9470 and these Rules, the National Archives of the Philippines shall encourage the establishment of the Friends of the National Archives, a non-profit, non-government, and non-sectarian organization.

### **TITLE XI**

### **AMENDMENTS TO THE IMPLEMENTING RULES AND REGULATIONS**

#### **RULE 77**

#### ***Amendments***

**ART. 138.** The National Archives of the Philippines may amend or modify these Rules as may be necessary; *Provided*, That such shall be done in consultation with NHI, NCCA, TNL, DILG, DOF, Department of Education (DepED), CSC, and the Committee on Education and Culture of both Houses of Congress.

**ART. 139.** In order for any amendment to become fully effective and legally binding, publication of such in the Official Gazette shall be made mandatory.

**ART. 140.** These Implementing Rules and Regulations may be amended, modified or supplemented when necessary for effective implementation and enforcement of R.A. 9470.

**TITLE XII  
TRANSITORY PROVISION**

**RULE 78  
*Guidelines***

**ART. 141.** Within 120 days from the promulgation of these Rules, the ED of the National Archives of the Philippines shall issue the following: Guidelines on the Disposal of Valueless Records in Government Agencies and Rules and Regulations Governing the Coordination of Records Management and Archives Function and other pertinent issuances consistent with the provisions of R.A. 9470.

Such issuances shall repeal the existing guidelines and rules pertinent to the operation and effective discharge of the mandate and functions of the new National Archives of the Philippines.

**TITLE XIII  
FINAL PROVISIONS**

**RULE 79  
*Effectivity***

**ART. 142.** These Rules shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved, **JAN 24 2008**

  
**MARGARITO B. REYES**  
Secretary  
Department of Finance

  
**RONALDO V. PUNO**  
Secretary  
Department of Interior and Local Government





**VILMA L. LABRADOR**

Chairman

National Commission for Culture and the Arts



**PRUDENCIANA C. CRUZ**

Director IV

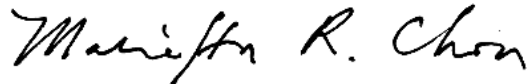
The National Library



**LUDOVICO D. BADOY**

Executive Director

National Historical Institute



**MARIETTA R. CHOU**

Executive Director

National Archives of the Philippines