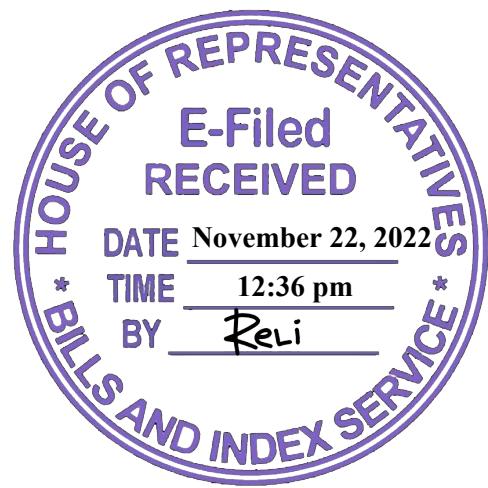


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. **6283**



Introduced by Representative PABLO JOHN F. GARCIA

EXPLANATORY NOTE

Legal deposit is the mandatory systematic collection of published outputs to a designated repository. It is vital to the preservation of a country's intellectual and cultural heritage as well as to the promotion of research to current and future generations.¹ Comprehensiveness of a nation's legal deposit scheme must be aspired.

The Philippine legal deposit scheme is embodied in Presidential Decree No. 812, s. 1975². It provides guidelines on the manner of collection of published printed materials in the country to ensure their availability for posterity and cushion against unforeseen events and calamities. However, it remains unchanged for almost half a century in spite of the proliferation of digital publications and developments on the management of copyrighted materials.

This bill aims to expand PD 812 and formally include digital publications in the country's legal deposit scheme. While some initiatives such as the Philippine eLib project³ already exists and some laws allude to it⁴, the country's legal deposit regime could be given more attention and improved through the direct amendment of PD 812. Cognizant with the recommendations of the International Publishers Association,⁵ It also aims to promote voluntary digital legal deposits from publishers,

¹ Digital Legal Deposit: An IPA Special Report. (2014, July 24). Retrieved from <https://www.internationalpublishers.org/images/news/2014/digital-legal-deposit-2014.pdf>.

² Decree on Legal and Cultural Deposit. Retrieved from <https://www.officialgazette.gov.ph/1975/10/18/presidential-decree-no-812-s-1975/>.

³ See <http://www.elib.gov.ph/>.

⁴ See Sections 191 and 227 of Republic Act 8293, otherwise known as the "Intellectual Property Code of the Philippines", Section 31 (c) of Republic Act No. 10066, or the "National Cultural Heritage Act of 2009", and Sections 4 (c) (1) and Section 21 (3) of Republic Act No. 9470, or the "National Archives of the Philippines Act of 2007".

⁵ *Id.* See Note 1.

strengthen publisher-librarian relationships, and protect publishers' rights, among others.

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

A handwritten signature in black ink, appearing to read "Pablo John F. Garcia".

Rep. PABLO JOHN F. GARCIA
3rd District, Province of Cebu

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
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House Bill No. **6283**

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AN ACT
INSTITUTIONALIZING THE DIGITAL LEGAL DEPOSIT SYSTEM, FURTHER
AMENDING PRESIDENTIAL DECREE NO. 812, S. 1975, OTHERWISE KNOWN
AS "DECREE ON LEGAL AND CULTURAL DEPOSIT," AND APPROPRIATING
FUNDS THEREFOR

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

CHAPTER I
GENERAL PROVISIONS

Section 1. Section 1 of Presidential Decree No. 812, s. 1975, otherwise known as "Decree on Legal and Cultural Deposit" is hereby amended to read as follows:

"Section 1. This Decree shall be known as the "Decree on DIGITAL AND PRINTED Legal [and Cultural] Deposit".

Section 2. Section 2 of Presidential Decree No. 812, s. 1975 is hereby amended to read as follows:

"Section 2.

(a) Within one month from the date any printed book, as this term is defined herein, is first delivered out of the press, the publisher of such book OR PUBLICATION shall furnish, free of charge and in the same finish as the best copies of the same are produced, two PRINTED copies and ONE DIGITAL COPY thereof to the National Library OF THE PHILIPPINES, and a PRINTED copy and a DIGITAL COPY each to the University of the Philippines Main Library, the University of the Philippines CEBU UNIVERSITY Library [at Cebu City], the Mindanao

State University Library, and the Cultural Center of the Philippines Library. Upon receipt of the respective copies, the Chief Librarian concerned shall issue an acknowledgement receipt therefor to the proper person and shall keep a copy of such receipt for record purposes. THE NATIONAL LIBRARY OF THE PHILIPPINES SHALL PROMOTE A SYSTEM OF VOLUNTARY DIGITAL AND PRINTED LEGAL DEPOSIT FROM PUBLISHERS.

(b) The heads of the various departments, bureaus, offices, and branches of the government, including the provinces and municipalities, and government-owned and government-controlled corporations are likewise required to furnish the National Library two free copies of any printed book AND ONE FREE COPY OF ANY DIGITAL PUBLICATION published by them, and a copy each to the aforementioned libraries, within the period specified in paragraph (A) of this Section.

Section 3. Section 3 of Presidential Decree No. 812, s. 1975 is hereby amended to read as follows:

“Section 3. For purposes of this Decree, the following shall be taken in the sense herein below indicated:”

x x x

(C) “PUBLICATION” INCLUDES ALL PRINTED AND DIGITAL TEXTS, IMAGES, SOUNDS, OR PROGRAMS.

(D) “DIGITAL”, AS APPLIED TO BOOKS OR PUBLICATIONS, THOSE THAT WHICH ARE PRODUCED ELECTRONICALLY, MAGNETICALLY, OR ANY LIKE PROCESS ON LINE THROUGH THE INTERNET AND OFF LINE THROUGH PHYSICAL FORMS OTHER THAN PRINT SUCH AS CD-ROM, DVD-ROM, OR MICROFILM.

(e) [(c)] “Printer” refers to the proprietor of the printing establishment.

(f) [(d)] “Publisher” refers to the person, natural or juridical, which undertakes the production of a book and its offer for sale or free distribution. The publisher of a book may also be its printer.

Section 4. Section 5 of Presidential Decree No. 812, s. 1975 is hereby amended to read as follows:

Section 5. The Director of the National Library OF THE PHILIPPINES is hereby empowered to make use of, allocate or distribute in the manner

he deems fit, and in the interest of educational or cultural advancement, scholarship, or research, the materials on legal deposit in the National Library, SUBJECT TO REPUBLIC ACT NO. 8293, OTHERWISE KNOWN AS THE "INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES", AS AMENDED.

Section 5. Section 7 of Presidential Decree No. 812, s. 1975 is hereby amended to read as follows:

Section 7. The records to be kept by the Director of the National Library, pursuant to the immediately preceding section, shall be published in the PRINTED AND ONLINE VERSIONS OF THE Official Gazette at the end of each quarter, counted from the beginning of each calendar year, or not less than one month after the end of such quarter.

Section 6. Section 8 of Presidential Decree No. 812, s. 1975 is hereby amended to read as follows:

Section 8. In case of a copyrighted work, the RELEVANT provisions of REPUBLIC ACT NO. 8293, AS AMENDED, shall [not] apply.

Section 7. Section 9 of Presidential Decree No. 812, s. 1975 is hereby amended to read as follows:

Section 9. In case of total or partial non-fulfillment of the deposit required under Section 2 (A) AND SECTION 2 (B) of this Decree, the publisher shall [upon conviction] be liable to a fine of not less than TEN THOUSAND PESOS (P10,000.00) [fifty (P50.00)] Pesos nor more than FIFTY THOUSAND (P50,000.00) [five hundred (P500.00)] Pesos and shall, likewise, be obliged to deliver the materials published or printed. If the copy of the material is no longer available, a reproduction thereof, or the value of the work, shall be added to the fine.

Section 9. *Legal Deposit Advisory Panel.* - A legal deposit advisory panel composed of the Director of the National Library, the University Librarians of the University of the Philippines Main Library, of the University of the Philippines Cebu University Library, and of the Mindanao State University Library, and the Cultural Center of the Philippines Library is hereby established to develop policies, standards, and assessments regarding the decree on matters such as but not limited to scope of materials covered, data security, and content restrictions.

Section 10. *Publisher-Librarian Relationship.* - Deposit libraries shall implement regular collaboration and mediation mechanisms with publishers to address key concerns such as copyright protection, digital security and monitored access, and ensure that the digital legal deposit schemes are clear, mutually agreed, and flexible.

Section 11. *Obtaining Content through Web Harvesting.* - The aforementioned libraries may also obtain a copy of online materials that fall within the regulations of the Legal Deposit Advisory Panel through “web harvesting,” an automated process which enables the libraries to request a copy of a content in a website. Publishers who do not receive a deposit request may still deposit their works voluntarily.

Section 12. *Use of Digital Materials.* - The following principles in using digital materials shall be followed to ensure the integrity of the copyright holder’s work:

- (a) Digital materials may only be viewed and not downloaded or copied at a workstation on deposit library premises, or through paid subscription for viewing outside;
- (b) Deposit libraries may only make copies of digital material for preservation, for researchers, and for giving access to visually impaired individuals, if no copy is commercially available;
- (c) If a publisher allows a publication to be made freely available, anyone can download and save deposited electronic publications to their computer or mobile devices on deposit library premises. They can also apply an embargo period for six (6) to twelve (12) months, where the public may only view their digital publications during that period and will be made freely available after; and
- (d) Owners of digital materials have the right to stop deposit libraries from providing access to their material in proper circumstances.

Section 13. *Appropriations.* - The funding requirements for the initial implementation of this Act shall be charged against the current year’s National Library of the Philippines. Thereafter, it shall be included in the annual General Appropriations Act.

Section 14. *Implementing Rules and Regulations.* - The National Library of the Philippines, University of the Philippines Main Library, University of the Philippines Cebu University Library, Mindanao State University Library, and the Cultural Center of the Philippines Library shall formulate and issue the appropriate implementing rules and regulations necessary within 90 days after the effectivity of this Act.

Section 15. *Separability Clause.* - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 16. *Repealing Clause.* - Except as otherwise expressly provided in this Act, all other laws, decrees, executive orders, proclamations and administrative regulations or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

Section 17. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or at least two (2) national newspapers of general circulation.

Approved,