

WHAT DOES THE LAW SAY ABOUT THE QUALIFICATIONS OF THE DIRECTOR OF THE NATIONAL LIBRARY OF THE PHILIPPINES?

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VIEWPOINT

Abstract

This contribution explores what the law says about the qualifications of the National Library of the Philippines (NLP) director. Whether the NLP director must be a licensed librarian or not is a recurring question and requires an answer based on a careful reading of the law. This article hopes to offer the answer to the question through examining whether the NLP director performs functions which the law considers as professional functions to be assumed and performed only by a licensed librarian.

Keywords: scope of the practice of librarianship, employment of librarians

Introduction

The Philippines began to regulate the practice of librarianship and prescribe the qualifications of librarians upon the enactment of *Republic Act 6966* (R.A. 6966) or the *Philippine Librarianship Act* in 1990. The law was later repealed by *Republic Act 9246* (R.A. 9246) or the *Philippine Librarianship Act of 2003* that “modernized” the practice of librarianship in the country. Under Section 4 of *R.A. 9246*, a *librarian* “refers to an individual who is a bona fide holder of a Certificate of Registration and Professional Identification Card issued by the Professional Regulatory Board for Librarians and by the Professional Regulation Commission in accordance with this Act” (Republic Act [R.A.] 9246, 2004).

In 2017, a new director of the National Library of the Philippines (NLP) was appointed and subsequently assumed office. The appointment stirred a controversy in the library profession and it reached to an extent where a librarian (Vernon R. Totanes) filed a complaint before the Office of the Ombudsman in January 2018 requesting the ombudsman to investigate the circumstances surrounding the appointment. The complaint raised that the appointee “is not a librarian and, therefore, may be liable for the ‘Illegal Practice of Librarianship’ under the Philippine Librarianship Act of 2003” (Totanes, 2018). Several offices were furnished with copies of the complaint, namely, the Civil Service Commission, the Commission on Audit,

the Career Executive Service Board, the Senate, the House of Representatives, the Professional Regulatory Board for Librarians, the NLP, the National Commission for Culture and the Arts, the National Historical Commission of the Philippines, and the Presidential Complaint Center (Nonato, 2018). In the House of Representatives, *House Resolution 1758* that was filed in March 2018 sought to rectify what it called the “unlawful appointment” of the NLP director. The resolution emphasized that it is “a most distasteful insult to all professional librarians who have devoted their lives in the faithful practice of their librarianship—a profession which deserves the same respect and recognition as all other kinds of occupations” (H.R. Res. 1758, 2018, p. 2). When asked about the issue, Assistant Director Edgardo B. Quiros of the NLP claimed in an interview in January 2018 that the position of the NLP director is beyond the coverage of *R.A. 9246*. He added, “the NLP is functioning not just as a library; so, therefore, its head, its top-level management was not identified as a librarian” (ABS-CBN News, 2018; Bueno, 2018).

The controversy resurfaced when the proposal advanced by the NLP director during the 20 July 2020 budget hearing of the House Committee on Basic Education and Culture drew a strong reaction from the library community. The committee tackled the provision of a proposed law mandating the creation of public libraries in all local government units. The NLP director incorrectly claimed that there are no schools or universities in the provinces that offer courses on librarianship. In order to address the challenge of hiring librarians in local government unit libraries brought about by the shortage of librarians, he proposed the hiring of teachers even those who are not necessarily licensed librarians (Adel, 2020; University of the Philippines School of Library and Information Studies, 2020). The NLP director himself later recognized that his remarks “caused quite a stir in the librarian community” (Adriano, 2020, para. 1). Thus, he felt

the need to write a statement that also expressed for the first time his view on the issue of his being a non-librarian. He said:

For a person to be qualified to be a Director at the National Library of the Philippines, one does not need to be a licensed librarian. R.A. 9246 does not mandate that the Director of NLP must be a licensed librarian. No law mandates that. (Adriano, 2020)

Many in the library profession argue that his view is contrary to Section 31 of *R.A. 9246* that states, “Only qualified and licensed librarians shall be employed as librarians in all government libraries” (*R.A. 9246*, 2004). This was the main legal basis cited by *House Resolution 1758* and the “Statement of Concern” released by the National Board of Trustees of the Philippine Librarians Association, Inc. (PLAI) in May 2017 (Philippine Librarians Association, Inc. [PLAI], 2017).

Whether the NLP director must be a licensed librarian or not is a recurring question and requires an answer based on a careful reading of the law. The present author is a lawyer who at the same time is a registered librarian. In writing this article, he hopes to contribute to gaining a clear appreciation of what the law says about the qualifications of the NLP director. The author will offer an answer to the question through examining whether the NLP director performs functions which the law considers as professional functions to be assumed and performed only by a licensed librarian.

The NLP director performs librarian’s functions encompassed in the “scope of the practice of librarianship” defined under Section 5 of R.A. 9246, and thus, the position entails the practice of librarianship

A *library* is defined under Section 3 of *Republic Act 10066* (*R.A. 10066*) or the *National Cultural Heritage Act of 2009* as “an institution [emphasis added] where

the collection of books, manuscripts, computerized information and other materials are organized to provide physical, bibliographic and/or intellectual access to the public, *with a librarian that is trained to provide services and programs related to the information needs of its clientele [emphasis added]*” (2010).

As an institution, the mandate of the NLP is to be “the repository of the printed and recorded cultural heritage of the country and other intellectual, literary and information sources” (*National Library of the Philippines [NLP] Annual Report 2019*, n.d., Mandate section). Its mission is to “acquire, organize, conserve, and preserve Filipiniana materials and provide equitable access to library resources through a system of public libraries throughout the country” (*NLP Annual Report 2019*, n.d., Mission section).

The NLP is headed by the director, a position that can be traced from *Act No. 3477* of 1928. Section 6 of *Act No. 3477* mandates that the director and the assistant director shall serve as the “chief” and “assistant chief,” respectively. The director performs the following functions:

1. Formulates and exercises the executive functions of planning, administration and enforcement of NLP policies and regulations [emphasis added].

2. Manages, organizes, directs= and supervises the overall operations of the NLP [emphasis added].

3. Implements orders from the Office of the President (OP) and directives from the National Commission for Culture and the Arts (NCCA).

4. Performs the functions of the NLP as a national library and central node for public libraries in the country [emphasis added].

5. Represents the NLP in local and international meetings and conferences (National Library of the Philippines, 2020a).

On the other hand, the assistant director:

1. Provides full assistance to the Director in the overall administration of the NLP [emphasis added].

2. Represents the Director in meetings and conferences within the local and global assembly.

3. Assists the Director in the formulation and implementation of policies and standard procedures of the NLP [emphasis added].

4. Supervises the hiring function of the HRD as Head of the Personnel Promotion and Selection Board.

5. Performs such other functions as may be assigned by the Office of the Director (National Library of the Philippines, 2020b).

Anent the enumerated number 4 function of the director, the role of the NLP in the establishment of congressional, city and municipal libraries, and barangay reading centers throughout the country as mandated under *Republic Act 7743* is, as follows:

*Sec. 3. Role of the National Library. — The National Library shall provide the standard set of reference books and other materials such as but not limited to encyclopedias, dictionaries, maps and globes upon the establishment of the libraries. **The National Library shall continue to supply the public libraries with [emphasis added] the other books, non-book materials, equipment supplies and other appropriate and relevant reference and reading materials taking into consideration the needs of the community concerned [emphasis added].***

In the designation of cultural property, under Section 31 of the *National Cultural Heritage Act of 2009*, the NLP “shall be responsible for rare and significant contemporary Philippine books, manuscripts such as, but not limited to, presidential papers, periodicals, newspapers, singly or in collection, and libraries and electronic records” (R.A. 10066, 2010).

Examining the functions of the director together with those of the assistant director viz-a-viz the mandate, mission, and role of the NLP as an institution would show that the NLP director performs functions that are clearly well within the *scope of the practice of librarianship*. The same can be said about the assistant director of the NLP. This follows logic given that it is difficult to imagine how the director could lead the NLP without performing at least one of the librarian’s functions enumerated under Section 5 of *R.A. 9246*, which are, as follows:

SEC 5. Scope of the Practice of Librarianship. — Librarianship shall deal with the performance of the librarian’s functions, which shall include [emphasis added], but not be limited to the following:

(1) Selection and acquisition of multi-media sources of information which would best respond to clientele’s need for adequate, relevant and timely information [emphasis added];

(2) Cataloguing and classification of knowledge or sources of information into relevant organized collections and creation of local databases for speedy access, retrieval or delivery of information [emphasis added];

(3) Development of computer-assisted/computer-backed information systems which would permit online and network services;

(4) Establishment of library systems and procedures; dissemination of information; rendering of information, reference and research assistance [emphasis added]; archiving; and education of users;

(5) Teaching, lecturing and reviewing of library, archives and information science subjects, including subjects given in the licensure examination;

(6) Rendering of services involving technical knowledge/expertise [emphasis added] in abstracting, indexing, cataloguing and classifying; or the preparation of bibliographies, subject authority lists, thesauri and union catalogues/lists;

(7) Preparation, evaluation or appraisal of plans, programs and/or projects for the establishment, organization, development and growth of libraries or information centers, and the determination of library requirements for space, buildings, structures or facilities [emphasis added];

(8) Provision of [emphasis added] professional and consultancy services or advice on any aspect of librarianship [emphasis added]; and

(9) Organization, conservation, preservation and restoration of historical and cultural documents and other intellectual properties [emphasis added].

Examining the accomplishments of the NLP as published in its *Annual Report 2019* would yield a similar conclusion that the director including the assistant director performs functions that pertain to a librarian, and that the essence of the position of the director including the assistant director is the performance of librarian’s functions. This fact cannot be obviated by calling the position as

“director.” The true nature and nomenclature of the director of the NLP as an official in the Philippine civil service is that of a “chief librarian” of the NLP or the so-called “national librarian” of the Philippine public libraries system. To claim that the NLP is not a “library” *per se* is a misunderstanding of the role and essence of the NLP as a national government institution or agency. The very mandate and mission of the NLP reveal that it is a library.

The Professional Regulation Commission (PRC) on occasions conferred the *Outstanding Librarian Award* to the directors of the NLP. The award is described as:

The highest award given by the PRC to a registered Librarian for having demonstrated exceptional professional competence and integrity in the practice of one's profession as recommended by one's peers, and contributed significantly to the advancement of the profession and to the effective discharge of the profession's social responsibility through meaningful participation in socio-civic related activities. (PLAI, 2020)

In this regard, the citations for the two awardees are worth mentioning. The first was, as follows:

For her numerous achievements and contributions to the library profession through demonstrated expertise in library management and administration as Director of the National Library [*emphasis added*]; for computerizing the Philippine National Bibliography and establishing the Bookmobile Services in the country; for uncovering the pilferage of 8,000 rare historical documents and manuscripts in the National Library and their retrieval through appeals to antique dealers, collectors and the public; for establishing the Public Libraries Information Network (PUBLIN) in the public library system; and for extending full support and

cooperation to activities and programs of the different library associations and other related organizations. (Totanes, 2006, para. 2)

The citation for the second awardee was written in the following manner:

... for her outstanding innovations and modern contributions as Director of the National Library of the Philippines [*emphasis added*], as Project Manager and Steering Committee member of the Philippine eLib Project and as an effective writer, publisher and resource speaker updating other librarians about their profession; for her important involvement and active leadership in various local and international professional activities which put Filipino Librarians at the forefront of international librarianship;... (Totanes, 2007, para. 2)

These justifications for bestowing the *Outstanding Librarian Award* to two former NLP directors inescapably show that the PRC as a professional regulatory body understands that the NLP director performs librarian's functions or that there are functions of the NLP director that entail the practice of librarianship. The PRC is notably the competent authority under Section 35 of R.A. 9246 that approves the rules and regulations, the *Code of Ethics*, and the *Code of Technical Standards for Librarians*, promulgated, adopted, and issued by the Professional Regulatory Board for Librarians in furtherance of the objectives of R.A. 9246.

The spokesperson (Assistant Commissioner Ariel G. Ronquillo) of the Civil Service Commission (CSC) stated in an interview in January 2018 that no person without a corresponding license from the PRC should assume government position that involves the practice of a profession even if it is only temporarily (ABS-CBN News, 2018).

Section 26 of R.A. 9246 prohibits a non-licensed librarian to practice or assume any position that involves performing librarian’s functions enumerated under Section 5 of the law

Section 26 of R.A. 9246 mandates that:

A person who does not have a valid Certificate of Registration and Professional Identification Card or a temporary/special permit from the [Professional Regulation Commission] shall not practice or [emphasis added] offer to practice librarianship in the Philippines or assume any position, which involve performing the function of a librarian as provided under Section 5 of [R.A. 9246] [emphasis added]. (R.A. 9246, 2004)

Accordingly, it was lawful and pursuant to *R.A. 9246* that the 19 February 2016 NLP job vacancy posting (*i.e.*, 3L Publication Code 325-20160219-17) expressly indicated in the “qualification requirements” for the NLP director that he or she “must be a licensed librarian” (Civil Service Commission [CSC], 2016, Qualification requirements section). It was what the NLP required since obviously that was also NLP’s long-held and considered view on the matter. The NLP itself knew and understood very well that in order to effectively perform its mandate and accomplish its mission as an institution or agency, it has to be headed by a director who must be a licensed librarian.

The NLP job vacancy posting went through the scrutiny of and was sanctioned by the CSC—the central personal agency of the Philippine government under the *1987 Philippine Constitution*. It is within the constitutional powers of the CSC to set the qualification standards for all officials joining the Philippine civil service. For the CSC to require that the director of the NLP “must be a licensed librarian,” (CSC, 2016, Qualification requirements

section) it is not only constitutional but also legal, sound, reasonable, and well-informed. Thus, the determination of the CSC as a constitutional body about the qualification standards for the position of the NLP director deserves abidance and respect.

R.A. 9246 requires that the director of the National Library of the Philippines must be a licensed librarian

This article aimed at gaining a clear understanding of what the law says about the qualifications of the NLP director. After examining the functions of the director and situating these functions within the mandate, mission, and role of the NLP as a governmental institution or agency, it is clear that the NLP director performs librarian’s functions that are encompassed in the *scope of the practice of librarianship* defined under Section 5 of *R.A. 9246*. Section 26 of the law prohibits any person to assume any position that involve performing any librarian’s functions. It is of no consequence that the head of the NLP is called a “director.” The law prohibits any person except a licensed librarian to perform librarian’s functions or assume any position that involves performing any librarian’s functions. Therefore, it is required that the NLP director be a licensed librarian. This is a view held by the NLP itself and shared by no less than the PRC as a professional regulatory body and the CSC as constitutional body serving as the central personal agency of the Philippine government.

CONCLUSION

The professionalization of librarianship has already taken great strides. *R.A. 6966* or the *Philippine Librarianship Act* in 1990 began to regulate the practice of librarianship and prescribe the qualifications of librarians. The law was repealed by *R.A. 9246* or the *Philippine Librarianship Act of 2003* that ensured gradually complementing the Philippine public library system with librarians qualified to administer and manage the country’s public libraries.

As demonstrated in the discussions of this exposition, it is erroneous to claim that the director of the NLP is beyond the coverage of *R.A. 9246*. Section 5 and Section 26 of *R.A. 9246* set or inform the requirement that the director of the NLP must be a licensed librarian. To accept that the director falls outside the ambit of *R.A. 9246* is prejudicial to the practice of librarianship as it would incrementally breed similar situations or convenient excuses where non-licensed librarians would be tolerated to occupy top-level management positions in government and private libraries simply because their positions or designations are called anything but “librarian.” Perpetuating such situation would defeat the objectives of *R.A. 9246* and negate the pursuit of the state policy under the law to “promote and nurture the professional growth and well-being of competent, virtuous, productive and well-rounded librarians whose standards of practice and service shall be characterized by excellence, quality, and geared towards world-class global competitiveness” (*R.A. 9246*, 2004, Section 2).

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REFERENCES

- ABS-CBN News. (2018, January 27). Bandila: National Library, aminadong hindi lisensiyadong librarian ang itinalagang director [Video]. YouTube. <https://www.youtube.com/watch?v=AVGz2JHEH9k>
- Act No. 3477. (1928). <https://www.lawyerly.ph/laws/view/ld3ff>
- Adel, R. (2020, July 22). Librarians correct unlicensed head of National Library on claim library science not taught in provinces. Philippine Star. <https://www.philstar.com/headlines/2020/07/22/2029957/librarians-correct-unlicensed-head-national-library-claim-library-science-not-taught-provinces>
- Adriano, C. G. (2020, July 23). *It has come to my attention that my statement during the congressional hearing held last July 20, 2020 through zoom caused quite a stir in the librarian community* [Image] [Status update]. Facebook. <https://www.facebook.com/photo.php?fbid=10158589149638926>
- Bueno, A. (2018, January 31). How can a non-librarian lead the National Library? CNN Philippines. Retrieved from <https://cnnphilippines.com/life/culture/politics/2018/01/31/non-librarian-national-library.html>
- Civil Service Commission. (2016, February 19). 3L Publication Code 325-20160219-17. Retrieved July 30, 2020, from http://www.csc.gov.ph/phocadownload/userupload/mlm/NLP_new_02192016.pdf
- H. R. Res. 1758, 17th Cong. (2018). https://www.congress.gov/ph/legisdocs/basic_17/HR01758.pdf
- National Library of the Philippines. (n.d.). Annual report 2019. http://nlpdl.nlp.gov.ph/web/2019_nlp_annual_report.pdf
- National Library of the Philippines. (2020a). Office of the director. <http://web.nlp.gov.ph/nlp/?q=node/2205>
- National Library of the Philippines. (2020b). Office of the assistant director. <http://web.nlp.gov.ph/nlp/?q=node/22054>
- Nonato, V. F. (2018). Ateneo exec seeks probe on Duterte’s appointment of ‘non-librarian’ to Nat’l Library. *Philippine Daily Inquirer*. <https://newsinfo.inquirer.net/963295/ateneo-exec-seeks-probe-on-dutertes-appointment-of-non-librarian-to-natl-library>
- Philippine Librarians Association, Inc. (2017, May 15). Statement of concern of the PLAI National Board of Trustees [Image] [Status update]. Facebook. <https://www.facebook.com/photo?fbid=653481518179314&set=a.130920103768794>
- Philippine Librarians Association, Inc. (2020). PRC Outstanding Librarian Award. <http://plai.org.ph/awards/prc-outstanding-librarian-award/>

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- Republic Act 6966. (1990). <https://www.officialgazette.gov.ph/1990/09/19/republic-act-no-6966/>
- Republic Act 7743. (1994). <https://www.chanrobles.com/republicactno7743.htm>
- Republic Act 9246. (2004). <https://www.officialgazette.gov.ph/2004/02/09/republic-act-no-9246/>
- Republic Act 10066. (2009). <https://www.officialgazette.gov.ph/2010/03/26/republic-act-no-10066/>
- Totanes, V. R. (2018, February 14). Supplement to the Letter-Complaint dated, filed with, and received by the Office of the Ombudsman on 19 January 2018. Scribd. <https://www.scribd.com/document/371503044/20180213-Supplement-to-the-Letter-Complaint-Non-Librarian>
- Totanes, V. R. (2006, March 10). (2006, March 10). Outstanding Librarian 2001: Adoracion B. Mendoza. *Filipino Librarian*. <http://filipinolibrarian.blogspot.com/2006/03/outstanding-librarian-2001adoracion-b.html>
- Totanes, V. R. (2007, July 10). Outstanding Librarian 2007: Prudenciana C. Cruz. *Filipino Librarian*. <http://filipinolibrarian.blogspot.com/2007/07/outstanding-librarian-2007-prudenciana.html>
- University of the Philippines School of Library and Information Studies. (2020). Active promotion and upliftment of the librarianship profession instead of replacement and relegation: UP SLIS on the statements of National Library of the Philippines Executive Director Cesar Gilbert Adriano [Image] [Status update]. Facebook. <https://www.facebook.com/UPSLIS/photos/pcb.10158901565418756/10158901563323756/>

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