

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

NOV 28 P2:42

RECEIVED BY: 

SENATE

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COMMITTEE REPORT NO. 489

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Submitted jointly by the Committees on Education, Arts and Culture, and Finance  
on 28 NOV 2000

Re: Senate Bill No. 2216, prepared by the Committees

Recommending its approval in substitution of S. B. No. 1604 and ~~S.R. No. 359~~,  
taking into consideration H. B. No. 499 & ~~S.R. No. 359~~ *House*

Sponsor: Senator Aquino Oreta

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Mr. President:

The Committees on Education, Arts and Culture, and Finance, to which were  
referred S. B. No. 1604, introduced by Sen. Aquino Oreta, entitled:

"AN ACT  
DEFINING THE CRIME OF ART FORGERY, PROVIDING PENALTIES  
THEREFOR AND CREATING THE ART AUTHENTICATION BOARD,  
AND FOR OTHER PURPOSES"

S. R. No. 359, introduced by Sen. Ople, entitled:

"RESOLUTION  
DIRECTING THE SENATE COMMITTEE ON EDUCATION, ARTS  
AND CULTURE AND OTHER APPROPRIATE COMMITTEES TO  
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE  
REPORTED RISING INCIDENCE OF COUNTERFEIT ARTWORKS  
WHICH UNDERMINES THE INTEGRITY OF THE ART MARKET  
AND VICTIMIZES THE COUNTRY'S LEGITIMATE PAINTERS"

and H. B. No. 499, introduced by Representatives Angara-Castillo, Chipeco, Jr.,

Duavit, et. al., entitled:

**"AN ACT  
DEFINING THE CRIME OF ART FORGERY, PROVIDING PENALTIES  
THEREFOR AND CREATING THE ART AUTHENTICATION BOARD,  
AND FOR OTHER PURPOSES"**

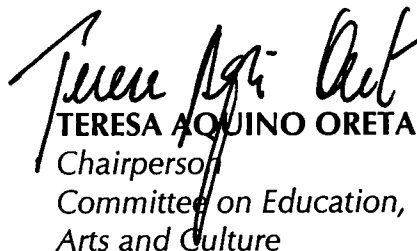
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, S. B. No. **2216**, prepared by the Committees, entitled:

**"AN ACT  
DEFINING THE CRIME OF ART FORGERY, PROVIDING PENALTIES  
THERETO, BROADENING THE POWERS OF<sup>3</sup> THE NATIONAL  
MUSEUM'S PANEL OF EXPERTS, PROVIDING FUNDS THEREFOR  
AND FOR OTHER PURPOSES"**

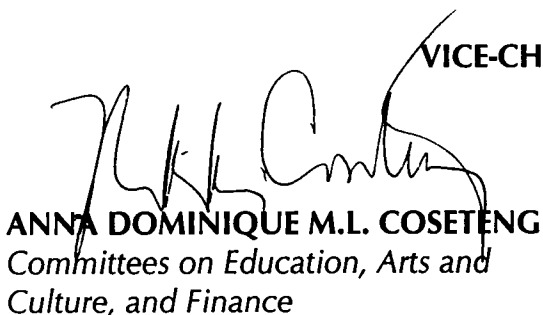
be approved in substitution of S. B. No1604 ~~and S. R. No. 359~~, taking into consideration ~~and S. R. No. 359~~ <sup>and S. R. No. 359</sup> H. B. No. 499, with Senators Aquino Oreta and Ople as authors thereof.

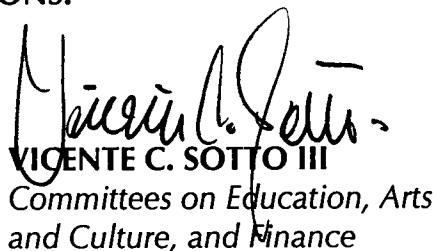
Respectfully submitted:

  
**JOHN H. OSMENA**  
Chairperson  
Committee on Finance

  
**TERESA AQUINO ORETA**  
Chairperson  
Committee on Education,  
Arts and Culture


**VICE-CHAIRPERSONS:**

  
**ANNA DOMINIQUE M.L. COSETENG**  
Committees on Education, Arts and  
Culture, and Finance

  
**VICENTE C. SOTTO III**  
Committees on Education, Arts  
and Culture, and Finance

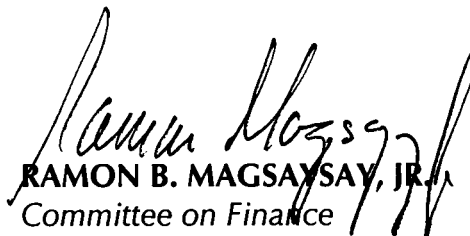
**JUAN PONCE ENRILE**  
Committee on Finance

  
**RODOLFO G. BIAZON**  
Committee on Finance

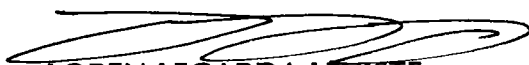
  
**ROBERT S. JAWORSKI**  
Committee on Finance

  
**GREGORIO B. HONASAN**  
Committee on Finance

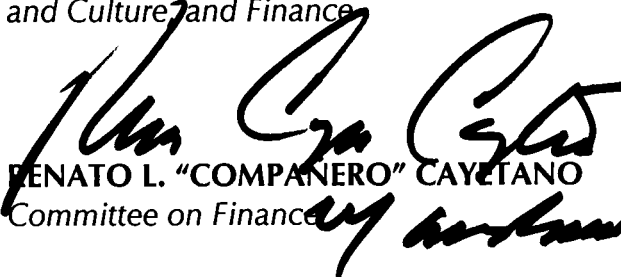
  
**RAUL S. ROCO**  
Committee on Finance

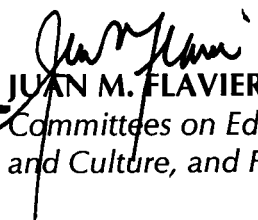
  
**RAMON B. MAGSAYSAY, JR.**  
Committee on Finance

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**LOREN LEGARDA-LEVISTE**  
Committees on Education, Arts  
and Culture, and Finance

**ROBERT Z. BARBERS**  
Committees on Education, Arts  
and Culture, and Finance

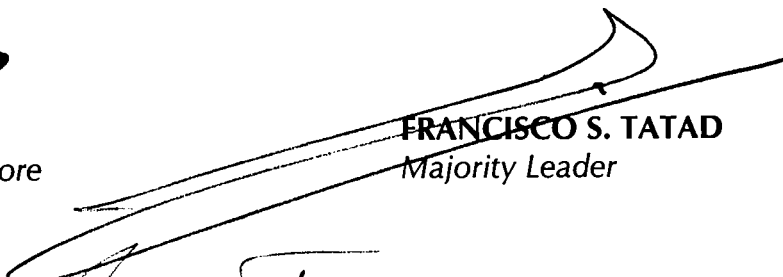
  
**RENATO L. "COMPANERO" CAYETANO**  
Committee on Finance


  
**JUAN M. FLAVIER**  
Committees on Education, Arts  
and Culture, and Finance

**RAMON B. REVILLA**  
Committee on Finance

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Majority Leader


  
**TEFISTO T. GUINGONA, JR.**  
Minority Leader

**THE HONORABLE**  
**SENATOR AQUILINO Q. PIMENTEL, JR.**  
Senate President  
Senate of the Philippines  
Pasay City

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

'00 NOV 28 P2:43

SENATE

RECEIVED BY: 

S. B. No. **2216** taking into consideration }  
(In Substitution of S. B. No. 1604 and S. R. No. 359) } House

Introduced by Senators Aquino Oreta and Ople

AN ACT  
DEFINING THE CRIME OF ART FORGERY, PROVIDING PENALTIES  
THERE TO, BROADENING THE POWERS OF THE NATIONAL  
MUSEUM'S PANEL OF EXPERTS, PROVIDING FUNDS THEREFOR  
AND FOR OTHER PURPOSES

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

1        **SECTION. 1. Short Title.** - This Act shall be known as the "Art  
2        Authentication Act of 2000".

3        **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to  
4        protect, conserve, develop and promote the nation's cultural heritage, artistic  
5        creations and resources.

6        **SEC.3. Definition of Terms.** - For purposes of this Act, the following terms or  
7        phrases used shall mean or be understood as follows:

- 8        a) *Work of fine art* refers to all original works of art like paintings, sculpture,  
9        drawings, and art work produced in multiples such as graphic and  
10       photographic works and sculpture casts, but shall not include works  
11       intended to be mass-produced for commercial use;
- 12       b) *Art dealer* refers to any person or entity who sells or otherwise deals in  
13       works of fine art for profit or gain, such as art galleries, art brokers and  
14       agents; and

c) *Art forgeries* are committed by any person or entity who commits any of the following acts:

i) Affixing or causing to appear a usurped or forged signature or sign on any work of fine art;

ii) Counterfeiting or imitating any original signature or sign, with the intent to deceive the public or the buyer as to the authorship of a work of art;

iii) Selling or circulating any work of fine art bearing forged or usurped signatures or signs; and

iv) Imitating or reproducing any work of fine art with intent to deceive the public as to the authenticity of the work.

**SEC. 4. *Search Committee for the Panel of Experts of the National Museum.***

- The Board of Trustees of the National Museum, created under RA 8492, is hereby mandated to constitute a Search Committee for the Panel of Experts, to be composed of the following persons:

a. The Executive Director of the National Museum, as *ex-officio* chairperson;

b. A Commissioner of the National Commission on Culture and the Arts (NCCA), as nominated by the Chairperson of the NCCA;

c. The president of the Philippine Association of Art Galleries;

d. Any living National Artist for Visual Arts;

e. Two deans of reputable schools of fine arts; and

f. The president of the Artists Association of the Philippines;

**SEC. 5. *Functions of the Search Committee for the Panel of Experts.*** - The

following are the functions of the Search Committee for the Panel of Experts:

a. Submit to the National Museum Board of Trustees three (3) names who shall compose the Panel of Experts, whose tenure shall be for a fixed term of two (2) years; and

- 1           b. Maintain and update a list of individuals, herein called Art Consultants,
- 2           who are recognized experts in various art fields, indexing such names by
- 3           area of expertise or other qualifications, which the Panel of Experts may
- 4           draw upon as the need arises.

5           **SEC. 6. Broadening of the Powers of the Panel of Experts of the National**  
6 **Museum.** - In addition to the powers granted to it under Presidential Decree 374  
7 and Republic Act 8492, and subject to the issuance by the necessary rules and  
8 regulations, the Panel of Experts shall also have the following powers and functions:

- 9           a. To designate individuals, named by the Search Committee as Art
- 10           Consultants, to become members of the Panel for particular
- 11           authentication session/s;
- 12           b. To verify and certify as original any work of fine art submitted to it for
- 13           authentication, and to issue the corresponding certificates of
- 14           authentication;
- 15           c. Upon proper verification, to accept for registration all original works of
- 16           fine art submitted by the author;
- 17           d. To impose and collect authentication and registration fees, and other
- 18           appropriate fees as it may prescribe;
- 19           e. To initiate investigation and recommend prosecution of all persons who
- 20           may have violated the provisions of this Act;
- 21           f. To promulgate rules and regulations for the proper implementation of the
- 22           provisions of this act;
- 23           g. To impose fines and sanctions for violations of its rules and regulations;
- 24           and
- 25           h. To perform such other acts as may be necessary to carry out the
- 26           provisions of this Act.

27           **SEC. 7. Qualifications of the Members of the Panel of Experts.** – The  
28 members of the Panel must be citizens of the Philippines, at least thirty-five (35)

1 years of age on the day of their appointment, of reputed competence, integrity,  
 2 probity and independence of mind, and holders of a degree or equivalent training  
 3 and experience in art conservation, connoisseurship, art history, or visual arts:  
 4 Provided, That in case of vacancy, the new appointee shall serve the unexpired  
 5 portion of the term: Provided further, That the members of the Panel of Experts can  
 6 only be re-appointed once.

7 Members of the Search Committee, Panel of Experts and the Art Consultants  
 8 shall be entitled to receive per diems in accordance with existing rules and  
 9 regulations.

10 **SEC. 8. *Institutional Relationships.*** - The National Commission on Culture  
 11 and the Arts shall retain administrative supervision over the National Museum and  
 12 the Panel of Experts.

13 The Board of Trustees of the National Museum shall act on the appointment  
 14 of the members of the Panel of Experts submitted to it by the Search Committee. It  
 15 shall also promulgate the necessary rules and regulations to implement the  
 16 provisions of this Act.

17 The National Museum shall provide administrative and technical support to  
 18 the Search Committee and the Panel of Experts in the conduct of their mandates.

19 The Panel shall enjoy fiscal and policy autonomy, enjoying the same status  
 20 accorded to the National Museum under Section 34 of Republic Act 8492.

21 **SEC. 9. *Penalties.*** - Any person who commits any of the acts enumerated in  
 22 Section 3 of this Act shall be punished with imprisonment of not less than six (6)  
 23 years and one (1) day but not more than twelve (12) years, and a fine not less than  
 24 Five Thousand Pesos (P5, 000) but not more than Five Hundred Thousand Pesos  
 25 (P500, 000.00).

26 If the acts are committed by a corporation, partnership, or any kind of  
 27 judicial entity, the penalty provided herein shall be imposed on its chief executive  
 28 officer and /or other officials responsible thereto.

1           If the acts are committed by the art dealers or the owners or operators of art  
2 galleries, they shall suffer, in addition to the penalties provided herein, the  
3 automatic revocation of their license to operate.

4           **Sec. 10. Appropriations.** – For the implementation of the provisions of this  
5 Act, the amount of Fifty Million Pesos (P 50,000,000.00) is hereby appropriated and  
6 shall be taken from the Organizational Adjustment Fund for the acquisition of the  
7 necessary equipment, supplies and expertise.

8           Any and all amounts collected by the Panel of Experts in the exercise of its  
9 functions shall be retained by the National Museum to augment its annual  
10 appropriations and disbursements therefrom shall be subject to the approval of the  
11 Board of Trustees of the National Museum.

12           **SEC.11. Separability Clause.** - If any part or provision of this Act shall be  
13 held to be unconstitutional or invalid, other provisions thereof which are not  
14 affected thereby shall continue to be in full force and effect.

15           **SEC. 12. Repealing Clause.** - All laws, executive orders, decrees, rules and  
16 regulations or parts thereof inconsistent with the provisions of this Act are hereby  
17 repealed, amended or modified accordingly.

18           **SEC.13. Effectivity Clause.** - This Act shall take effect fifteen (15) days from  
19 its publication in at least two (2) newspapers of general circulation.

20           Approved,