

HOUSE OF REPRESENTATIVES

H. No. 499

INTRODUCED BY HONORABLE ANGARA-CASTILLO, CHIPECO JR., DUAVIT, LANOT, GONZALES II, LORENZO-VILLAREAL, GUNIGUNDO I, QUIMPO, RODRIGUEZ (O.), JALA, DILANGALEN, BATERINA, WACNANG, CRUZ-DUCUT, FAJARDO, GARCIA (S.) JR., TANADA, ESCUDERO, ESPINOSA JR., SEACHON JR., DURANO, MARTINEZ, ABAYON, VICENCIO, ALVAREZ (P.), CAGAS, LOPEZ (R.), BADELLES, LIBARIOS, AMIN, TAMMANG, VALERA, CANDAZO, CAYETANO, BERATIO, FARIÑAS, TUAZON, CALDERON, MENDOZA, GONZALEZ (R.), APOSTOL, BUNYE, ECHIVERRI, MORENO, GARCIA (M.), URRO, EBALLE, VERCELES JR., GARCIA (E.) JR., FUENTEBELLA, PEREZ JR., PUNZALAN JR., ABAD, GOLEZ, ANDAYA (V.) JR., ANTONINO, LAPUS, LOPEZ (E.), CUA, LOCSIN, OCAMPO, DUMPIT, MARCOS, AQUINO III, BONDOC, JOSON, ROMAN, ANDAYA (M.), JOAQUIN, MALIKSI, REYES JR., RODRIGUEZ JR., COJUANGCO, GARIN, MONFORT, SYJUCO, VILLANUEVA, CUENCO, MACIAS II, PARAS, CERILLES, LOBREGAT, SALAPUDDIN, ACOSTA, BACULIO, ANGPING, YOUNG, DEL MAR, SINGSON, ROMUALDO, LAGMAN-LUISTRO, ROMUALDEZ, KINTANAR, HERRERA (E.F.), SHAHANI, LARA, ABAYA, RECTO, ALVAREZ JR., LEDESMA IV, TUAZON, MONTILLA, SANDOVAL (V.), CALALAY, ADIONG, JAAFAR, CAPPLEMAN, VERGARA, PANCHO, SILVERIO, LIBARIOS, ASISTIO, PADILLA (C.), DIAZ, ESPINOSA JR., SY-ALVARADO, DY JR., BACANI, SALUDO JR., BARINAGA, PONCE JR., LORETO-GO, GONZALEZ (J.), TEODORO JR., CALIMBAS-VILLAROSA, NACHURA, ARROYO, ALMARIO, ANDAYA (R.) JR., BAUTISTA, BRAGANZA, DEFENSOR, ESPINA, GORDON JR., MONTEMAYOR, ZUBIRI, AQUINO (A.), SANDOVAL II, PALMA GIL, LEVISTE, ALVAREZ (H.), LIM, ENRILE, VILLAR JR. GULLAS, BELMONTE JR., LIBAN, ERMITA, ESCUDERO, GONZALEZ (R.), PUNZALAN JR. AND TEVES

AN ACT DEFINING THE CRIME OF ART FORGERY, PROVIDING PENALTIES THEREFOR AND CREATING THE ART AUTHENTICATION BOARD, 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 Forgeries Act of 1999.”

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

6 SEC. 3. *Definition of Terms.* –

7 (a) “Work of fine art” refers to all original works of art like
8 paintings, sculpture, drawings and art work produced in multiples such as
9 graphic and photographic works and sculpture casts, but shall not include
10 works intended to be mass-produced for commercial use.

11 (b) “Art dealer” refers to any person or entity who sells or
12 otherwise deals in works of fine art for profit or gain, such as art galleries,
13 art brokers and agents.

14 SEC. 4. *Art Forgeries.* – Art forgeries are committed by any person
15 or entity who commits any of the following acts:

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

18 (b) Counterfeiting or imitating any original signature or sign, with
19 the intent to deceive the public or the buyer as to the authorship of a work
20 of art;

21 (c) Selling or circulating any work of fine art bearing forged or
22 usurped signatures or signs; and

1 (d) Imitating or reproducing any work of fine art with intent to
2 deceive the public or the buyer as to the authenticity of the work.

3 SEC. 5. *Art Authentication Board.* – There is hereby created a
4 board to be known as the Art Authentication Board, composed of a
5 chairman and four (4) members, who shall be appointed by the President of
6 the Philippines, in consultation with the National Commission for Culture
7 and the Arts.

8 A majority of the Board shall constitute a quorum to do business.
9 The Board shall decide by a majority vote of all its members. In case only
10 three (3) members are present, the vote must be unanimous.

11 Members of the Board shall each be entitled to receive per diems as
12 may be determined by the Department of Budget and Management in
13 accordance with existing rules and regulations.

14 SEC. 6. *Qualifications.* – The chairman and the members of the
15 Board must be citizens of the Philippines, at least twenty-five (25) years of
16 age on the day of their appointment, of proven competence, integrity,
17 probity and independence of mind, and holders of a degree or equivalent
18 graduate training and experience in art conservation, connoisseurship, art
19 history or visual arts.

20 SEC. 7. *Tenure of Office.* – The chairman and the members shall be
21 appointed by the President for a term of three (3) years. Appointment to
22 any vacancy shall be only for the unexpired term of the predecessor.

1 SEC. 8. *Prohibition.* – No member shall directly or indirectly
2 engage in any business dealing with work of fine art such as, but not
3 limited to, art galleries and art dealerships.

4 SEC. 9. *Powers and Functions of the Board.* – The Board shall
5 have the following powers and functions:

6 (a) To verify and certify as original any work of fine art submitted
7 to it for authentication and to issue the corresponding certificates of
8 authentication;

9 (b) Upon proper verification, to accept for registration all original
10 works of fine art submitted by the author;

11 (c) To impose and collect authentication and registration fees and
12 other appropriate fees as it may prescribe;

13 (d) To accredit art galleries and art dealers subject to the rules and
14 regulations prescribed by the Board;

15 (e) To initiate investigation and recommend prosecution of all
16 persons who may have violated the provisions of this Act;

17 (f) To promulgate rules and regulations for the proper
18 implementation of the provisions of this Act;

19 (g) To impose fines and sanctions for violation of its rules and
20 regulations; and

21 (h) To perform such other Acts as may be necessary to carry out the
22 objectives and purposes of this Act.

56

1 SEC. 10. *Penalties.* – Any person who commits any of the acts
2 enumerated in Section 4 of this Act shall be punished with imprisonment of
3 not less than six (6) years and one (1) day nor more than twelve (12) years
4 and a fine of not less than Five thousand pesos (P5,000.00) nor more than
5 One hundred thousand pesos (P100,000.00).

6 If the acts are committed by a corporation, partnership or any other
7 juridical entity, the penalty provided herein shall be imposed on its chief
8 executive officer and/or other officials responsible therefor.

9 If the acts are committed by the art dealers or the owners or
10 operators of art galleries, they shall suffer, in addition to the penalties
11 provided, the automatic revocation of their license to operate as such.

12 SEC. 11. *Transfer of Functions.* – All existing offices performing
13 exclusively the same functions and powers as the Board are hereby
14 abolished, and their powers, functions, funds, appropriations, records,
15 equipment and other properties shall be transferred to the Board.

16 Personnel of said abolished offices shall as far as practicable be
17 absorbed by the Board. Those who may be separated from the service by
18 reason of the implementation of this Act shall be entitled to separation
19 benefits provided for by existing laws.

20 The panel of experts created under Republic Act No. 4846, as
21 amended by Presidential Decree No. 374, shall continue to exist for the
22 sole purpose of authenticating works of art to be donated to the National
23 Museum.

1 SEC. 12. *Appropriations.* – The amount necessary to carry out the
2 provisions of this Act shall be included in the General Appropriations Act
3 of the year following its enactment into law and thereafter.

4 SEC. 13. *Separability Clause.* – If any part or provision of this Act
5 shall be held to be unconstitutional or invalid, other provisions hereof
6 which are not affected thereby shall continue to be in full force and effect.

7 SEC. 14. *Repealing Clause.* – All laws, executive orders, decrees,
8 rules and regulations or parts thereof contrary to or inconsistent with the
9 provisions of this Act are hereby repealed, amended or modified
10 accordingly.

11 SEC. 15. *Effectivity Clause.* – This Act shall take effect fifteen (15)
12 days following its publication in the *Official Gazette* or in at least two (2)
13 national newspapers of general circulation.

Approved,

O