

SENATE

S. No. 2216

(IN SUBSTITUTION OF S. NO. 1604, TAKING INTO CONSIDERATION
H. NO. 499 AND P. S. RES. NO. 359)

INTRODUCED BY SENATORS AQUINO ORETA AND OPLE

AN ACT DEFINING THE CRIME OF ART FORGERY,
PROVIDING PENALTIES THERETO, 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
4 of the State to protect, conserve, develop and promote the nation's
5 cultural heritage, artistic creations and resources.

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

9 a) *Work of fine art* refers to all original works of art like
10 paintings, sculpture, drawings, and art work produced in multiples

1 such as graphic and photographic works and sculpture casts, but shall
2 not include works intended to be mass-produced for commercial use;

3 b) *Art dealer* refers to any person or entity who sells or
4 otherwise deals in works of fine art for profit or gain, such as art
5 galleries, art brokers and agents; and

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

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

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

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

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

18 SEC. 4. *Search Committee for the Panel of Experts of the*
19 *National Museum.* - The Board of Trustees of the National Museum,
20 created under RA 8492, is hereby mandated to constitute a Search
21 Committee for the Panel of Experts, to be composed of the following
22 persons:

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

- 1 b. A Commissioner of the National Commission on Culture and
2 the Arts (NCCA), as nominated by the Chairperson of the NCCA;
3 c. The president of the Philippine Association of Art Galleries;
4 d. Any living National Artist for Visual Arts;
5 e. Two (2) deans of reputable schools of fine arts; and
6 f. The president of the Artists Association of the Philippines;

7 SEC. 5. *Functions of the Search Committee for the Panel of*
8 *Experts.* - The following are the functions of the Search Committee
9 for the Panel of Experts:

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

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

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

22 a. To designate individuals, named by the Search Committee
23 as Art Consultants, to become members of the Panel for particular
24 authentication session/s;

1 b. To verify and certify as original any work of fine art
2 submitted to it for authentication, and to issue the corresponding
3 certificates of authentication;

4 c. Upon proper verification, to accept for registration all
5 original works of fine art submitted by the author;

6 d. To impose and collect authentication and registration fees,
7 and other appropriate fees as it may prescribe;

8 e. To initiate investigation and recommend prosecution of all
9 persons who may have violated the provisions of this Act;

10 f. To promulgate rules and regulations for the proper
11 implementation of the provisions of this Act;

12 g. To impose fines and sanctions for violations of its rules and
13 regulations; and

14 h. To perform such other acts as may be necessary to carry
15 out the provisions of this Act.

16 SEC. 7. *Qualifications of the Members of the Panel of Experts.*
17 - The members of the Panel must be citizens of the Philippines, at
18 least thirty-five (35) years of age on the day of their appointment,
19 of reputed competence, integrity, probity and independence of mind,
20 and holders of a degree or equivalent training and experience in art
21 conservation, connoisseurship, art history, or visual arts: *Provided,*
22 *That in case of vacancy, the new appointee shall serve the unexpired*
23 *portion of the term: Provided, further, That the members of the*
24 *Panel of Experts can only be re-appointed once.*

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

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

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

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

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

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

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

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

Sec. 10. *Appropriations.* - For the implementation of the provisions of this Act, the amount of Fifty million pesos (P50,000,000.00) is hereby appropriated and shall be taken from the Organizational Adjustment Fund for the acquisition of the necessary equipment, supplies and expertise.

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

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

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

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

Approved,