

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

'00 NOV 28 P2:42

RECEIVED BY:

SENATE

COMMITTEE REPORT NO. 489

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

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"**

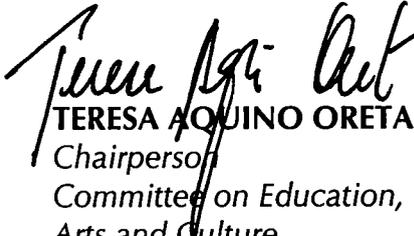
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, S. B. No. **2216**, prepared by the Committees, entitled:

**"AN ACT
DEFINING THE CRIME OF ART FORGERY, PROVIDING PENALTIES
THERETO, BROADENING THE POWERS OF 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~~ ^{and S. R. No. 359} H. B. No. 499, with Senators Aquino Oreta and Ople as authors thereof.

Respectfully submitted:


JOHN H. OSMENA
Chairperson
Committee on Finance

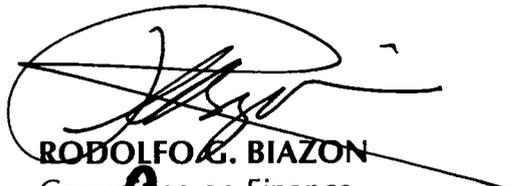

TERESA AQUINO ORETA
Chairperson
Committee on Education,
Arts and Culture

VICE-CHAIRPERSONS:

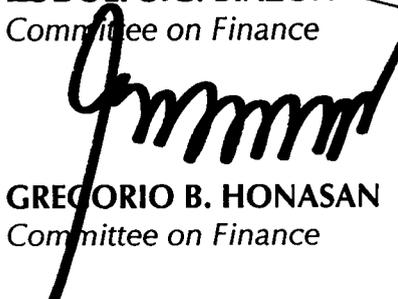

ANNA DOMINIQUE M.L. COSETENG
Committees on Education, Arts and
Culture, and Finance


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

JUAN PONCE ENRILE
Committee on Finance

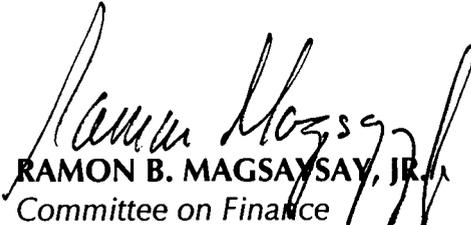

RODOLFO G. BIAZON
Committee on Finance


ROBERT S. JAWORSKI
Committee on Finance

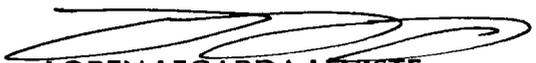

GREGORIO B. HONASAN
Committee on Finance


RAUL S. ROCO
Committee on Finance

my amendment

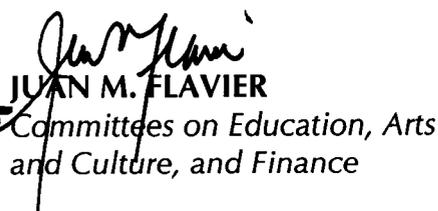

RAMON B. MAGSAYSAY, JR.
Committee on Finance

MEMBERS:


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

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

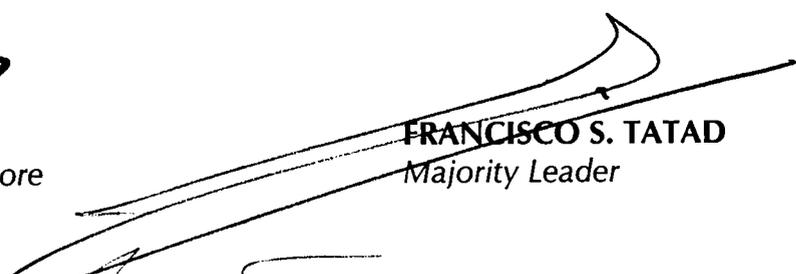

RENATO L. "COMPANERO" CAYETANO
Committee on Finance


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

RAMON B. REVILLA
Committee on Finance

EX-OFFICIO MEMBERS:


BLAS F. OPLE
President Pro-Tempore


FRANCISCO S. TATAD
Majority Leader


TEFISTO T. GUINGONA, JR.
Minority Leader

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

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

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

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

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

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

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

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

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

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

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

21 d. Any living National Artist for Visual Arts;

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

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

24 **SEC. 5. *Functions of the Search Committee for the Panel of Experts.*** - The
25 following are the functions of the Search Committee for the Panel of Experts:

26 a. Submit to the National Museum Board of Trustees three (3) names who
27 shall compose the Panel of Experts, whose tenure shall be for a fixed term
28 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,