

RECORD OF THE SENATE

TUESDAY, JANUARY 23, 2001

RESUMPTION OF THE SESSION

At 3:16 p.m., the session was resumed with the Senate President, Hon. Aquilino Q. Pimentel Jr., presiding.

The President. The session is resumed. The Majority Leader is recognized.

Senator Tatad. I move that we proceed to the Additional Reference of Business.

The President. Is there any objection? *[Silence]* There being none, the motion is approved.

The Secretary will read the Fourth Additional Reference of Business.

FOURTH ADDITIONAL REFERENCE OF BUSINESS

COMMITTEE REPORTS

The Secretary. Committee Report No. 531, submitted jointly by the Committees on Education, Arts and Culture; and Finance on House Bill No. 12661 introduced by Representative Fuentebella, *et al.*, entitled

AN ACT CONVERTING THE PARTIDO STATE COLLEGE (PSC), SAN JOSE POLYTECHNIC INSTITUTE (SJPI), GOVERNOR MARIANO FUENTEBELLA MEMORIAL COLLEGE OF FISHERIES (GMFMCF), TINAMBAC POLYTECHNIC INSTITUTE (TPI), CARAMOAN TECHNICAL-VOCATIONAL SCHOOL (CTVS), LAGONOY SCHOOL OF FISHERIES (LSF), AND SAN JOSE FISHERIES SCHOOL (SJFS) INTO A UNIVERSITY TO BE KNOWN AS THE PARTIDO STATE UNIVERSITY (PSU) AND APPROPRIATING FUNDS THEREFOR,

recommending its approval with amendments.

Sponsors: Senators Aquino-Oreta and Osmeña (J.)

The President. To the Calendar for Ordinary Business

The Secretary. Committee Report No. 532, prepared and submitted jointly by the Committees on Education, Arts and Culture; and Finance on Senate Bill No. 2236 with Senators Osmeña III and Aquino-Oreta as authors thereof, entitled

AN ACT CONVERTING THE AKLAN STATE COLLEGE OF AGRICULTURE IN THE MUNICIPALITY OF BANGA, PROVINCE OF AKLAN INTO A STATE UNIVERSITY TO BE KNOWN AS THE AKLAN STATE UNIVERSITY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill No. 278, taking into consideration House Bill No. 1548.

Sponsors: Senators Aquino-Oreta and Osmeña (J.)

The President. To the Calendar for Ordinary Business

The Majority Leader is recognized.

Senator Tatad. Mr. President, we have before us copy of a letter from the Senate President Pro Tempore addressed to the Senate President inquiring about documents purporting to be a resolution of the Supreme Court on the presidential succession.

May we know if these documents are now in the possession of the Senate so that we could examine these documents for the satisfaction of Senator Ople and the other senators?

The President. Senator Ople, I think, was asking for a copy of the Order of the Supreme Court relative to the oath-taking. I understand that. We already have a copy of that and I have asked the Secretariat to distribute copies yesterday which we did.

Senator Tatad. The communication from the Clerk of Court, is that all we have on this very important decision of the Supreme Court?

The President. Yes, we have that.

Senator Tatad. None other is forthcoming?

The President. None that I know of. I understand that there is a question already filed with the Supreme Court sometime, I think, yesterday or early today, but it has something to do with the clarification only about the administering of the oath to the new President by the Chief Justice and we do not have copies of that.

Senator Tatad. Thank you very much, Mr. President. We shall inform the office of Senator Ople then.

BILL ON SECOND READING H. No. 8842 -- Granting Tupi Telephone Cooperative, Inc. a Franchise

Senator Tatad. Mr. President, I move that we consider House Bill No. 8842 under Committee Report No. 499.

Senator Sotto. It plans to initially operate domestically for the first four years. Then it plans to service international flights as well, Mr. President.

Senator Tatad. Will it be flying to Catanduanes?

The President. Yes, that is a good question.

Senator Sotto. It is actually based in Mindanao.

The President. That is even better.

Senator Tatad. But it is flying to Catanduanes?

Senator Sotto. Yes, it will fly to Catanduanes. *[Laughter]*

Senator Tatad. I would like to thank the gentleman, Mr. President.

I believe there are no interpellations. I move that the period of interpellations be closed.

The President. Is there any objection? *[Silence]* There being none, the motion is approved.

Senator Tatad. There are no committee amendments. There are no individual amendments either. I move that the period of amendments be closed.

Senator Sotto. And include...

**MOTION OF SENATOR TATAD
(All Senators Present Be Made Coauthors of H. No. 8327)**

Senator Tatad. And with the provision that all the senators here present, beginning with the senators from Mindanao, be made coauthors of this measure. I so move, Mr. President.

The President. Is there any objection? *[Silence]* There being none, the motion is approved.

APPROVAL OF H. NO. 8327 ON SECOND READING

Senator Tatad. Mr. President, I move that we vote on Second Reading on House Bill No. 8327.

The President. Is there any objection? *[Silence]* There being none, we shall now vote on Second Reading on House Bill No. 8327.

As many as are in favor of the bill, say *aye*.

Several Members. *Aye*.

The President. As many as are against the bill, say *nay*. *[Silence]*

House Bill No. 8327 is approved on Second Reading.

SUSPENSION OF CONSIDERATION OF H. NO. 8327

Senator Tatad. Mr. President, I move that we suspend consideration of House Bill No. 8327.

The President. Is there any objection? *[Silence]* There being none, the motion is approved.

SUSPENSION OF SESSION

Senator Tatad. Mr. President, I move that we suspend the session for one minute.

The President. Before we do that, we are operating like a railroad, and I think it is a good thing for our country. I would like to thank the gentleman for that. *[Laughter]*

Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

It was 3:31 p.m.

RESUMPTION OF SESSION

At 3:34 p.m., the session was resumed.

The President. The session is resumed. The Majority Leader is recognized.

SPECIAL ORDERS

Senator Tatad. Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Committee Report No. 489 on Senate Bill No. 2216, 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

and Committee Report No. 531 on House Bill No. 12661, entitled

AN ACT CONVERTING THE PARTIDO STATE COLLEGE (PSC), SAN JOSE POLYTECHNIC INSTITUTE (SJPI), GOVERNOR MARIANO FUENTE BELLA MEMORIAL COLLEGE OF FISHERIES (GMFMC), TINAMBAC POLYTECHNIC INSTITUTE (TPI), CARAMOAN TECHNICAL-VOCATIONAL SCHOOL (CTVS), LAGONOY SCHOOL OF FISHERIES (LSF), AND SAN JOSE FISHERIES SCHOOL (SJFS) INTO A

UNIVERSITY TO BE KNOWN AS THE PARTIDO
STATE UNIVERSITY (PSU) AND APPROPRIATING
FUNDS THEREFOR.

The President. Is there any objection? [*Silence*] There being none, the motion is approved.

BILL ON SECOND READING
S. No. 2216 -- Art Authentication Act of 2000

Senator Tatad. Mr. President, I move that we consider Senate Bill No. 2216 as reported out under Committee Report No. 489.

The President. Is there any objection? [*Silence*] There being none, the motion is approved.

Consideration of Senate Bill No. 2216 is now in order. With the permission of the Body, the Secretary will read only the title of the bill without prejudice to inserting in the *Record* the whole text thereof.

The Secretary. Senate Bill No. 2216, 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

The following is the whole text of the bill:

Senate Bill No. 2216

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:

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

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

SEC. 3. *Definition of Terms.* - For purposes of this

Act, the following terms or phrases used shall mean or be understood as follows:

a) *Work of fine art* refers to all original works of art like paintings, sculpture, drawings, and art work produced in multiples such as graphic and photographic works and sculpture casts, but shall not include works intended to be mass-produced for commercial use;

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

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

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

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

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

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

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

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

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

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

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

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

Senator Tatad. Mr. President, for the sponsorship, I ask that the distinguished chairperson of the Committee on Education, Arts and Culture, Sen. Teresa Aquino-Oreta, be recognized.

The President. Sen. Teresa Aquino-Oreta is recognized.

SPONSORSHIP SPEECH OF SENATOR AQUINO-ORETA

Senator Aquino-Oreta. Thank you, Mr. President.

Mr. President, my distinguished colleagues in this august Chamber:

I have the honor and privilege of presenting for the Body's consideration and approval Senate Bill No. 2216, entitled

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

Mr. President, Amorsolo, Hidalgo, Luna. These are the masters

of Philippine art. These men have reaped countless accolades for their timeless creations, the representations of the zenith of Philippine art and culture. But sad to say, the artworks of these famed artists have fallen prey to human greed and frailty. Many pieces bought and sold in the art market, even now as I speak, are represented to be theirs but are in actuality the creations of men with misused talents and greedy hearts.

The 1987 Constitution provides that arts and letters shall enjoy the patronage of the State. The State shall conserve, promote and popularize the nation's historical and cultural heritage and resources, as well as artistic creations.

Article XIV, Section 16, further provides:

All the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the protection of the State which may regulate its disposition.

Thus, it is humbly proposed that this bill be approved, Mr. President. As defined in the bill, a work of art is a product of intellectual creation and therefore intellectual property. Though it is subject to copyright under the Intellectual Property Law, the Civil Code, the Revised Penal Code, and the Intellectual Property Law are laws covering the rights of property owners. But since art forgery is an act with specificities which do not fall within the abovementioned laws, there is need for separate legislation to address this problem. We must act on this problem now, not only for the artists of the past generations, but also for the artists of the present and future generations.

Mr. President, the proposed legislation shall be known as the Art Authentication Act of 2000. This bill specifically answers the State's policy to protect, conserve, develop and promote the nation's cultural heritage, artistic creations and resources. The bill defines "artworks" as original works like paintings, sculpture, drawings and artworks produced in multiples such as graphic and photographic works and sculptured casts, but shall not include works intended to be mass-produced for commercial use. The bill also defines "art dealer" as any person or entity who sells or otherwise deals in works of fine art for profit or gain such as art galleries.

Forgery, under this proposed bill, is committed by:

1. Affixing or causing to appear a usurped or forged signature or sign on any work of fine art;
2. 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;

3. Selling or circulating any work of fine art bearing forged or usurped signatures or signs; and

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

There are penalties prescribed for persons found guilty of the crime of art forgery and/or other penalized acts.

The bill also provides for the creation of an Art Authentication Board, which shall be appointed by the Board of Trustees of the National Museum, in consultation with the National Commission on Culture and Arts.

Mr. President, it is about time that our artists were given the honor and respect due them. They have been in continuous service of the nation by sharing their talents and receiving the recognition for their masterpieces. They have shown to all and sundry the greatness of Philippine culture. It is about time we returned the glory they have achieved for us. The best recognition of our gratitude is protecting them from unscrupulous individuals who wish to cash in on their greatness and that time is now.

Thank you, Mr. President.

The President. The Majority Leader is recognized.

Senator Tatad. Mr. President, the art connoisseurs in the Chamber are fully convinced of the merits of this bill, the nonconnoisseurs have faith in the expert opinion of the connoisseurs so there seems to be no interpellations at this point... *[Laughter]* except for the incoming secretary of Education. I ask that Sen. Raul S. Roco be recognized.

The President. He does look familiar to me. Sen. Raul S. Roco is recognized.

Senator Roco. The Presiding Chairman looks similar also. *[Laughter]*

No, Mr. President. If I could reserve because this is just a small amendment to make it coincide with the Intellectual Property Law. I really have no questions. But if we can hold on until tomorrow, then there might be some modifications.

Senator Aquino-Oreta. For an amendment?

Senator Roco. Yes. Just for an amendment but I do not have it yet.

The President. All right.

Senator Roco. Thank you.

Senator Tatad. With that understanding, Mr. President, I believe we can conclude the period of interpellations and just leave open the bill for individual amendments.

So I move that the period of interpellations be closed.

The President. Is there any objection? *[Silence]* There being none, the motion is approved.

Senator Tatad. If there are no committee amendments, I move that the period of committee amendments be closed.

The President. Is there any objection? *[Silence]* There being none, the period of committee amendments is hereby closed.

SUSPENSION OF CONSIDERATION OF S. NO. 2216

Senator Tatad. Mr. President, to allow for individual amendments to be received tomorrow, I move that we suspend consideration of Senate Bill No. 2216.

The President. Is there any objection? *[Silence]* There being none, the motion is approved.

RESOLUTION ON SECOND READING

H. Ct. Res. No. 45 – Granting the Transfer of Controlling Interest of Leonardo S. Sarao and Mr. Lutgardo Sarao-Conchu in Quest Broadcasting, Inc. (Formerly SBS RadioNetwork, Inc.) to Jose Luis Vera (Continuation)

Senator Tatad. Mr. President, I move that we now resume consideration of House Concurrent Resolution No. 45 under Committee Report No. 491.

The President. Is there any objection? *[Silence]* There being none, the motion is approved.

Senator Tatad. We are still in the period of interpellations, but I understand from the distinguished sponsor that the senator who had made a reservation to interpellate has since withdrawn his reservation.

Senator Sotto. May I place on record, Mr. President, that we got in touch with the staff of Senator Drilon and we did not get a confirmation that he is withdrawing his interpellation. But the way I recall it, the last time there was an interpellation on this bill, he was asking for certain records to be presented. The records are all here and we are ready to present the records to Senator Drilon. So I leave it to the Body to...we cannot get in touch with him. We are asking the staff to ask him if it would be possible to just receive the copies of the records that he is asking for so that we can go on with this measure.