


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE
OFFICE OF THE SECRETARY

'04 JUN 30 P11:11

SENATE
S.B. No. 919

RECEIVED BY: 

Introduced by Senator Jinggoy Ejercito Estrada

EXPLANATORY NOTE

During the past years a number of pieces of art, even entire collections, which are priceless not only due to their market value but also and more so, due to their historical importance, have been acquired, directly or indirectly by the Government, its officials, agencies, or instrumentalities with the use of public funds and without complying with the registration requirements. During these years, these priceless arts have been from one office to another so that today, their exact whereabouts could not easily be ascertained. It is necessary for the protection and preservation of our country's historical cultural encouragement of private participation, that a search and general registration of these priceless cultural properties be made immediately. All historical pieces so located by the search committee in the possession of government offices of officials, must be duly authenticated and must be brought and displayed for the cultural enrichment of and appreciation by the Filipino people.

This bill also seeks to fully protect historical pieces in the possession of or owned by private individuals or entities against illegitimate art dealers and exporters who do not hesitate to trade stolen or fake articles by providing for a system of registration and authentication by the Museum.

Further, the bill introduces measures to ensure that the excavation of the cultural properties is undertaken by competent individuals and that applications for permits to explore and excavate are done only by the proper scientific personnel.


For the foregoing reason, the early approval of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT

AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED FORTY-EIGHT HUNDRED AND FORTY-SIX (4846), AS AMENDED, OTHERWISE KNOWN AS THE "CULTURAL PROPERTIES PRESERVATION AND PROTECTION ACT"

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

SECTION 1. Section 5 of Republic Act No, 4846, as amended, is hereby further amended to read as follows:

"SEC. 5. The Director of the Museum, hereinafter referred to as the Director, shall undertake a census of the important cultural properties of the location, and condition and maintain an up-to-date register of the same. Private collectors and owners of important cultural properties [and public and private schools] INCLUDING THE GOVERNMENT, ITS BRANCHES, SUBDIVISIONS, AGENCIES AND INSTRUMENTALITIES, GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND THEIR SUBSIDIARIES in possession of [these items,] SAID PROPERTIES shall be required to register [their collections] THEM with the Museum [when required by the Director] WITH THIRTY (30) DAYS UPON THE APPROVAL OF THIS ACT and to the same office [when required by the Director] any new acquisitions, sale, or transfer thereof WITHIN FIFTEEN (15) DAYS FROM DATE THEREFROM.

SEC. 2. The same Act as amended, is hereby further amended by incorporating five (5) new sections after Section 5 to be known as Sec, 5-A, Section 5-B. Sec. 5-C, Sec. 5-D and 5-E which shall read as follows:

"SEC. 5-A.. THE DIRECTOR SHALL UNDERTAKE OR CAUSE TO BE UNDERTAKEN, BY HIMSELF OR THROUGH HIS DULY AUTHORIZED REPRESENTATIVES WHO ARE KNOWN EXPERTS ON CULTURAL PROPERTIES A GENERAL SEARCH OF CULTURAL PROPERTIES NOT DULY REGISTERED WITH THE MUSEUM: PROVIDED, THAT IN THE

EXERCISE OF ITS FUNCTIONS THE PROVISIONS OF SECTIONS 6 AND 7 HEREUNDER SHALL BE OBSERVED. NO PERSON ENGAGED, DIRECTLY OR INDIRECTLY IN CULTURAL PROPERTIES TRADING SHALL BE DEPUTIZED UNDER THIS SECTION. ANY CULTURAL PROPERTY SO LOCATED BY THE SEARCH COMMITTEE SHALL BE IMMEDIATELY BROUGHT TO THE MUSEUM, FOR REGISTRATION AND ENTRY INTO ITS RECORDS, AT THE EXPENSE OF THE OWNER.

"SEC. 5-B. PUBLIC OFFICIALS AND/OR GOVERNMENT OFFICES NOT ENGAGED PRIMARILY IN CULTURE AND ARTS SHALL NOT BE ALLOWED TO ACQUIRE A COLLECTION A COLLECTION OF CULTURAL PROPERTIES USING PUBLIC FUNDS. SAID PUBLIC OFFICIALS AND/OR GOVERNMENT OFFICES MAY PURCHASE PHILIPPINE CULTURAL HERITAGE ITEMS, PROVIDED THERE IS PRIOR PERMIT ISSUED BY THE DIRECTOR AND SUBJECT TO REGISTRATION AS HEREINABOVE STATED.

"SEC. 5-C ALL CULTURAL PROPERTIES PRESENTLY IN THE POSSESSION OF THE GOVERNMENT, ITS AGENCIES AND INSTRUMENTALITIES, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND THEIR SUBSIDIARIES, SHALL BE CONTROLLED CORPORATIONS AND THEIR SUBSIDIARIES, SHALL BE PRESUMED TO HAVE BEEN ACQUIRED WITH THE USE OF PUBLIC FUNDS AND THEREFORE THEIR POSSESSION SUBJECT TO THE AUTHORITY OF THE DIRECTOR OF THE NATIONAL MUSEUM.

"SEC. 5-D PRIVATE CULTURAL PROPERTIES DULY REGISTERED WITH THE MUSEUM SHALL BELONG TO THE PRIVATE OWNER BUT THE SAME SHALL FACILITATE THEIR DISPLAY AT THE NATIONAL MUSEUM OR IN SUCH OTHER PLACES AS THE DIRECTOR MAY DETERMINE, WHENEVER SPECIAL OCCASIONS OF NATIONAL INTEREST MAY SO REQUIRED: PROVIDED, THAT DURING SUCH DISPLAY, ADEQUATE INSURANCE COVERAGE AGAINST LOSS, DESTRUCTION AND DETERIORATION SHALL BE TAKEN BY THE MUSEUM IN FAVOR OF THE OWNER AND ACTUAL SECURITY AND PROTECTIVE MEASURES SHALL BE EMPLOYED BY THE GOVERNMENT, THROUGH THE NATIONAL MUSEUM, SHALL HELP, MAINTAIN, SECURE, PRESERVE AND RESTORE REGISTERED CULTURAL TREASURES AS THE NEED OF THE PRIVATE OWNER MAY REQUIRE: PROVIDED, THAT IN CASE OF THE INSURANCE REQUIREMENTS, THE MUSEUM SHALL AVAIL OF PRIVATE INSURANCE AGENCIES ACCEPTING NON-LIFE INSURANCE.

"SEC. 5-E ANY CULTURAL PROPERTY TO BE REGISTERED WITH NATIONAL MUSEUM SHOULD HAVE ITS PROVENANCE VERIFIED. ONLY CULTURAL PROPERTIES WHOSE SOURCE ARE LEGAL CAN BE REGISTERED. LEGAL SOURCES, FOR THIS PURPOSE, MEANS THAT THEY COM FROM LEGAL EXCAVATIONS, TRADE AND EXCHANGE."

SEC. 3. Section 6 of the Republic Act No. 4846, as amended, is hereby further amended to read as follows:

"SEC. 6. The Director is authorized to convene panels of experts, as often as the need for their services may arise, each to be composed of three competent men in the specialized fields of anthropology, natural sciences, history and archives, fine arts, philately and numismatics, and shrines and monuments, ETHNOGRAPHIC MATERIALS AND ARTIFACTS AND THE LIFE. Each panel shall, after careful study and deliberation, AND AFTER DUE CONSULTATION WITH VARIOUS GROUPS AND/OR INDIVIDUALS KNOWN IN THE SPECIALIZED FIELD TO WHICH THE ITEM OR ITEMS UNDER CONSIDERATION PERTAIN, decide which among the cultural properties in their field of specialization shall be designated as National Cultural Treasure or Important Cultural Properties. The Director is further authorized to convene panels of experts to declassify designated National Cultural Treasures.

The Director shall within ten (10) days of such action by the panel transmit their decision and cause the designation-list to be published in at least two (2) newspaper of general circulation. The same procedure shall be followed in the declassification of important cultural properties and national treasures.

SEC. 4. Section 7 of the same Act, as amended, is hereby further amended to read as follows:

(a) Before the actual designation, the owner if the property is privately-owned, shall be notified at least fifteen (15) days prior of the intended designation, and shall be invited to attend the deliberation, and given a chance to be heard. Failure on the part of the owner to attend the deliberation shall not bar the panel to render its decision. Decision shall be given by the panel within a week after its deliberation. In the event that the owner desires to seek reconsideration of the designation made by the panel, he may do so within thirty (30) days from the date that the decision has been rendered. If no request for reconsideration is filed after this period, the designation is then considered final and executory. Any request for consideration filed by the panel, may be further appealed to [another panel chaired by the Secretary of Education, with two

experts as members appointed by the Secretary of Education] THE DIRECTOR WHO SHALL THEN CONVENE ANOTHER PANEL HEADED BY HIM AS EX-OFFICIO CHAIRMAN COMPOSED OF FIVE (5) MEMBERS ALL OF WHOM SHALL BE KNOWN EXPERT IN THE SPECIALIZED FIELD INVOLVED COMING FROM THE FOLLOWING: TO WIT: PHILIPPINE HISTORICAL INSTITUTE, PCCA, ASSOCIATION OF PRIVATE MUSEUM AND/OR FOUNDATION, ASSOCIATION OF ART DEALERS AND ASSOCIATION OF ART GALLERIES. Their decision shall be final and binding.

(b) Within each kind or class of objects, only the rare and unique objects may be designated as "National Cultural Treasures". The remainder, if any, shall be treated as cultural property.

(c) Designated "National Cultural Treasures" shall be adequately and properly marked, described and photographed by the National Museum. [The] PRIVATE owner retains ownership and possession of the same but the Museum shall keep a record containing such information as: name of article, owner, period, source, location, condition, description, photograph, identifying marks, approximate value, and other pertinent data."

SEC. 5. Section 8 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 8 National Cultural Treasures shall not change ownership, except by inheritance or sale duly approved by the Director of the National Museum, without the prior notification to and notations made by the Museum in the records AND ONLY WHEN NATIONAL INTEREST SO ALLOWS. They may not be taken out of the country for reasons of inheritance. Where there is no heir, [National Cultural Treasures shall revert to the National Museum or to any other state Museum] THE NATIONAL MUSEUM SHALL ASSUME CUSTODIANSHIP OF THE NATIONAL CULTURAL TREASURE."

SEC. 6. The same Act is further amended by inserting after Section 12 thereof the following new sections, to be known as Sec. 12-A, Sec. 12-B, Sec. 12-C, Sec. 12-D, Sec. 12-E and Sec. 12-F which shall read as follows:

"SEC. 12-A. THE MAYOR AND THE CHIEF OF POLICE OF CITIES AND MUNICIPALITIES IN WHOSE TERRITORIAL JURISDICTION, A DISCOVERY OF ARCHAEOLOGICAL AND HISTORICAL ARTIFACTS IS MADE, SHALL REPORT TO THE NATIONAL MUSEUM SUCH DISCOVERY WITHIN FIFTEEN (15) DAYS AFTER HAVING OBTAINED KNOWLEDGE OF SUCH DISCOVERY. THE MAYOR SHALL DIRECT THE LOCAL POLICE TO PROTECT SUCH

SEC. 7. Section 16 of the same Act, as amended, is hereby further amended to read as follows:

“SEC. 16. All dealers AND/OR EXPORTERS of cultural properties shall secure a license as a dealer AN/OR EXPORTER in cultural properties from the Director of the National Museum. SAID DEALERS AND/OR EXPORTERS SHALL SUBMIT A QUARTERLY INVENTORY OF ITEMS CARRIED TOGETHER WITH A HISTORY OF EACH ITEM: PROVIDED, THAT FAILURE TO SUBMIT TWO (2) CONSECUTIVE REPORTS SHALL BE A GROUND FOR CANCELLATION OF LICENSE.”

SEC. 8. Section 18 of the same Act, as amended, is hereby further amended to read as follows:

“SEC. 18. The Director of the National Museum is hereby empowered to promulgate rules and regulations for the implementation of the provisions of this Act, which rules and regulations shall be given the widest publicity and also shall be given directly to known collectors, excavators, archaeologists, dealers, exporters and other affected by the Act. [such rules and regulations shall be approved by the Secretary of Education.] THE DIRECTOR IS HEREBY FURTHER EMPOWERED TO DEPUTIZE THE MILITARY, POLICE, CUSTOMS, IMMIGRATION AND DEPORTATION AND OTHER GOVERNMENT AGENCIES, PRIVATE MUSEUMS, FOUNDATIONS AN LIKE ENTITIES FOR THE FULL IMPLEMENTATION OF THIS ACT.”

SEC. 9. Section 19 of the same Act, as amended, is hereby further amended to read as follows:

“SEC. 19. The Museum may collect fees for registration, licenses, inspections, certifications, authorization and permits in compliance with the provisions of this Act: Provided, That the objects of materials attempted [to be concealed from registration or those intended] to be exported in violation of this Act shall be confiscated and forfeited to the Government: Provided, further, That if the violation is committed by the juridical person, the manager, representative, director, agent, or employee of said juridical person responsible for the Act shall be liable to the penalties provided herein.”

SEC. 10. Section 20 of the same Act, as amended, is hereby further amende to read as follows:

“SEC. 20. [Penal Provisions] – Any violation of this Act shall, upon conviction, subject the offender to a fine of not [more than Ten Thousand pesos] LESS THAN FIFTY THOUSAND PESOS (P50,000.00) NOR MORE THAN TWO HUNDRED THOUSAND PESOS (P200,000.00) or imprisonment for a term of

DISCOVERED SITES TO PREVENT ILLEGAL EXPLOITATION UNTIL SUCH TIME AS THE NATIONAL MUSEUM HAVE ASSUMED CUSTODY AND CONTROL OF SUCH SITES.

"SEC. 12-B. THE NATIONAL MUSEUM IS HEREBY AUTHORIZED TO DEPUTIZE NATIONAL POLICE AUTHORITIES AND THE ARMED FORCES OF THE PHILIPPINES IN SPECIFIC LOCALITIES TO ASSIST IN THE PROTECTION OF IMPORTANT ARCHAEOLOGICAL SITES THAT ARE IN DANGER OF DESTRUCTION.

"SEC. 12-C THE NATIONAL MUSEUM SHALL MONITOR AND REGULATE RESEARCHERS IN THE FIELD OF ARCHAEOLOGY AND ANTHROPOLOGY BY FOREIGN RESEARCHERS AND SCIENTISTS. FOREIGN ARCHAEOLOGISTS AND ANTHROPOLOGISTS SHALL OBTAIN PERMITS FROM THE NATIONAL MUSEUM TO CONDUCT RESEARCH IN THESE FIELDS IN THE PHILIPPINES. THE NATIONAL MUSEUM SHALL INSTITUTE AND FORMULATE RULES AND REGULATIONS TO IMPLEMENT THIS PROVISION.

"SEC. 12-D ALL CONSTRUCTIONS WHICH INVOLVE MASSIVE EARTH MOVING ACTIVITIES SHOULD PROCURE A CLEARANCE FROM THE NATIONAL MUSEUM TO ENSURE THAT NO ARCHAEOLOGICAL SITE WILL BE DAMAGED IN THE CONSTRUCTION. THE EXPENSES TO BE INCURRED IN THE SURVEY, IF NECESSARY, SHALL BE BORNE BY THE COMPANY OR ENTITY UNDERTAKING THE CONSTRUCTION.

"SEC. 12-E (A) THE NATIONAL MUSEUM MAY ISSUE A PERMIT TO EXPLORE FOR AN AREA NOT TO EXCEED THIRTY (30) MINUTES OF LONGITUDE AND THIRTY (30) MINUTES OF LATITUDE.

(B) NO APPLICATION MAY BE GRANTED FOR MORE THAN TWO AREAS DESCRIBED IN ITEM (A) FOR EXPLORATION AT ANY ONE TIME.

(C) PERMIT TO EXPLORE SHALL NOT OVERLAP WITH EXISTING PERMITS IN TERMS OF AREA COVERED.

(D) PERMITS TO EXPLORE SHALL BE FOR A PERIOD OF ONE (1) YEAR ONLY, RENEWABLE FOR ANOTHER YEAR.

"SEC. 12-F. (A) PERMIT TO EXCAVATE SITES ARE TO BE GIVEN ONLY TO SPECIFIC SITES LOCATED BY GIVEN LATITUDES AND LONGITUDES TO THE NEAREST DEGREE.

(B) PERMITS TO EXCAVATE SHALL BE FOR A PERIOD OF ONE (1) YEAR, AND RENEWABLE FOR ANOTHER YEAR.

(C) NO APPLICANT MAY BE GIVEN MORE THAN ONE (1) EXCAVATION PERMIT AT ANY GIVEN TIME.

[not more than two years] NOT LESS THAN TWO (20 YEARS NOR MORE THAN EIGHT (8) YEARS or both upon the discretion of the court: Provided, That objects or materials attempted [to be concealed from registration] or intended to be exported or excavated in violation of this Act shall be summarily confiscated and forfeited to the National Museum: Provided, further that if the violation is committed by a juridical person, the manager, representative, director, agent or employee of said juridical person responsible for the act shall be liable to the penalties provided therein: PROVIDED, FURTHERMORE, THAT IF THE VIOLATION IS COMMITTED BY A FOREIGN NATIONAL, SAID NATIONAL SHALL BE DEPORTED FORTHWITH AFTER HE HAD DULY SERVED HIS SENTENCE.

SEC. 11. The sum of Ten million pesos (P10, 000,000.00) is hereby appropriated out of ant funds in the National Treasury, not otherwise appropriated, to carry out the provisions of this Act.

SEC. 12. All laws, rules, and orders inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 13. This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,