


THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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SENATE
S. No. 1083

RECEIVED BY: 

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

We have recently witnessed controversial, even sensational cases of art forgeries. Since art belongs to that realm which is within the purview of what we call 'intellectual property', theft of art is one of the most difficult to prosecute or even ascertain.

This bill aims to give more exacting definitions to the crime of art forgery. This would eliminate much confusion as it clearly spells out the specific act that would constitute art forgery.

This bill also seeks to create an Art Authentication Board composed of a Chairman and four members which shall authenticate the works of art so as to ascertain their originality. It shall have the authority to certify works of art for registration as mandated by the intellectual property law.


What this bill would seek to accomplish is to erase most of the vagueness, misinterpretations and loopholes that have plagued cases of art forgeries for years.

In view of the foregoing, approval of this bill is earnestly requested.


EDGARDO J. ANGARA

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AN ACT
DEFINING THE CRIME OF ART FORGERY, PROVIDING PENALTIES
THEREOF 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:

SECTION 1. Short Title. – This Act shall be known as the “Art Forgeries
Act of 2001.”

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 –

(a) *Work of Art* – 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* – 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.

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

- a) Affixing or causing to appear a usurped or forged signature or sign on any work of fine art:
- b) Counterfeiting or imitating any original signature or sign, with intent to deceive the public or the buyer as to the authorship of a work of art:
- c) Selling, or circulating any work of fine art bearing forged or usurped signatures or signs.
- d) Imitating or reproducing any work of fine art with intent to deceive the public or the buyer as to the authenticity of the work.

Sec 5. Art Authentication Board. – There is hereby created a Board, to be known as the Art Authentication Board, composed of a Chairman and four (4) members, who shall be appointed by the President of the Philippines in consultation with the Presidential Commission on Culture and Arts. A majority of the Board shall constitute a quorum to do business. The Board shall decide by a majority vote of all its members. In case only three (3) members are present, the vote must be unanimous. Members of the Board shall each be entitled to a per diem and transportation allowances of Five Hundred Pesos (P500.00) for each Board meeting actually attended by them, but not to exceed Five Thousand Pesos (P5,000.00) a month.

SEC 6. Qualification. – The Chairman and the Members of the Board must be citizens of the Philippines, at least twenty five years of age on the day of their appointment, of proven competence, integrity, probity and independence of mind, and holders of a Degree or equivalent training and experience in art conversation, art history, or visual arts.

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

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

SEC. 9. Powers and Functions of the Board. - The Board shall have the following powers and functions:

- a) To verify and certify as original any work of fine art submitted to it for authentication, and to issue the corresponding certificates of authentication;
- b) Upon proper verification, to accept for registration of all original works of fine art submitted by the creator or author;
- c) To impose and collect authentication and registration fees, and other appropriate fees as it may prescribe;
- d) To accredit art galleries and art dealers subject to the rules and regulations prescribed by the Board;
- 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 violation of its rules and regulations;
- h) To perform such other acts as may be necessary to carry out the objectives and purposes of this Act.

SEC. 10. Penalties - Any person who commits any of the acts enumerated in Section 4 of this Act shall be punished with imprisonment

of not less than six(6) years nor more than twelve (12) years and a fine of not less than Five Thousand Pesos (P5,000.00) nor more than Fifty Thousand Pesos (P50,000.00).

If the acts are committed by a corporation, partnership, or any other judicial entity, the penalty provided herein shall be imposed on its chief executive officer and/or other officials responsible therefor. 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, the automatic revocation of their license to operate such.

SEC. 11. Transfer of Functions. - All existing offices performing exclusively the same functions and powers as the Board are hereby abolished, and their powers, functions, funds, appropriations, records, equipment and other properties shall be transferred to the Board. Personnel of said abolished offices shall as far as practicable be absorbed by the Board. For those who may be separated from the service by reason of the implementation of this Act., they shall be entitled to separation benefits provided for by existing laws. The panel of experts created under Republic Act 4846, as amended by Presidential Decree No. 374, shall continue to exist for the sole purpose of authenticating works of art to be donated to the national Museum.

SEC. 12. Appropriation- - For the operations of the Board, there is hereby appropriated the sum of Five Million Pesos (P5,000,000.00) annually which shall form part of the budget of the Office of the President.

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

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

SEC. 15. Effectivity Clause. – Thus Act shall take effect after fifteen (15) days following its publication in the official Gazette or in at least two (2) national newspapers of general circulation.

Approved.