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SENATE

Senate Resolution No. 803

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Introduced by Senator Loren Legarda

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON EDUCATION, ARTS AND CULTURE TO LOOK INTO THE STRENGTHENING OF THE PHILIPPINE REGISTRY OF CULTURAL PROPERTY THROUGH THE CREATION OF A NATIONAL REGISTRY FOR FINE ART IN LIGHT OF ART FORGERIES COMMITTED AGAINST FILIPINO ARTISTS, WITH THE END VIEW OF PROTECTING THEIR ARTISTIC INTEGRITY AND ENSURING THEIR CULTURAL LEGACY TO THE COUNTRY

WHEREAS, Article XIV, Section 15 of the Constitution provides that the State shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations;

WHEREAS, Article XIV, Section 16 declares that the State may regulate the disposition of all the country's artistic and historic wealth constituting the cultural treasure of the nation which shall be under its protection;

WHEREAS, Republic Act (RA) 9105, otherwise known as the Art Forgery Act of 2001, penalizes art forgery, such as affixing or causing to appear a usurped or forged signature or sign on any work of fine art and imitating or reproducing any work of fine art with intent to deceive the public or the buyer as to the authenticity of the work;

WHEREAS, under Section 4 of RA 9105, an Art Authentication Panel composed of three members with known expertise in art conservation, connoisseurship, art history or visual arts and as chosen by the National Museum Board of Trustees, is tasked to verify and certify as original any work of fine art submitted to it for authentication and to initiate investigation and recommend prosecution of all persons who may have violated the provision of the said Act;

WHEREAS, under Section 14 of RA 10066, also known as the National Cultural Heritage Act of 2009, a Philippine Registry of Cultural Property should be established in order to register all cultural properties deemed important to the country's cultural heritage which, under Section 5 of the same measure, includes works by a *Manlilikha ng Bayan* or by an *Alagad ng Sining*;

WHEREAS, on May 27, 2012, an artwork called "The Bird Seller" and attributed as a work by National Artist for Visual Arts Vicente Silva Manansala, was originally included in the catalog of Asian 20th Century Art being offered for sale by international auction house Christie's-Hong Kong;

WHEREAS, considering the similarity in theme of the said artwork to the piece "Birdman" which already belongs to a private collection and given the known disapproval of *Mang Enteng*, as he is fondly called by friends, in repeating works of "same line and color", the Friends of Manansala—an organization of art lovers and collectors of his art production, sought the removal of the "The Bird Seller" from the catalog due to serious questions over its authenticity;

WHEREAS, even as the painting was eventually withdrawn from sale, largely thru persistent efforts by concerned individuals and private organizations, with its whereabouts now unknown, this raises the possibility it might again be passed off as genuine work by Mang Enteng, becoming available once again in the art market once the controversy dies down;

WHEREAS, while artworks of questionable provenance and therefore authenticity--attributed to deceased Filipino painters like Juan Novicio Luna and National Artist Fernando Cueto Amorsolo, have surfaced for years, even those by living artists like National Artist Benedicto Reyes Cabrera or by Mario Malang Santos have been victimized and were also subject to possible forgeries;

WHEREAS, amidst rising interest in the international art market for works by Filipino artists--made evident by the record sale of "Lavanderas" by Amorsolo for US\$ 433,992 or around PhP 20.2 Million in 2010 and for "Grayground" by a young and still-living Ronald Ventura, for HK\$ 8,420,000 or almost PhP 47 Million in 2011, and the weakness of the country's legal mechanisms on art authentication and forgery, there is strong likelihood that art pieces of questionable origin will resurface in the coming years;

WHEREAS, requiring the quick destruction of forged artworks and investing in instruments for chemical analysis of artworks will help address the issue of possible resurfacing of these counterfeit works;

WHEREAS, encouraging living artists to register their artworks in the proposed National Registry for Fine Arts thru the current Philippine Registry of Cultural Property may provide information and reference on the provenance of important works;

WHEREAS, by supporting the establishment of private organizations composed of art collectors of known integrity and probity, the issue of provenance of artworks created by now deceased artists may easily be established;


WHEREAS, there is a need to review the implementation of RA 9105 in order to safeguard the authenticity of artworks being produced in the country, thereby sustaining the interest and thus, the position of Filipino artists in the international art world;

WHEREAS, it is incumbent upon Congress to ensure that the works of our renowned artists, especially those of our Manlilikha ng Bayan and Alagad ng

Sining, as our country's cultural ambassadors to the world, be protected from forgeries and other possible falsifications;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, to direct the Senate Committee on Education, Arts and Culture to look into the strengthening of the Philippine Registry of Cultural Property through the creation of a National Registry for Fine Art in light of art forgeries committed against Filipino artists, with the end view of protecting their artistic integrity and ensuring their cultural legacy to the country.

Adopted,


LOREN LEGARDA
Senator