

REPUBLIC OF THE PHILIPPINES }
CONGRESS OF THE PHILIPPINES }
 Third Regular Session

H. No. 499
S. No. 2216

REPUBLIC ACT NO. 9105

AN ACT DEFINING THE CRIME OF ART FORGERY,
PROVIDING PENALTIES, AND INSTITUTIONALIZING
THE MECHANISM FOR ART AUTHENTICATION,
APPROPRIATING 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 Forgery 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.* – For purposes of this Act,
the following terms or phrases used herein shall mean or be
understood as follows:

(a) Art forgery is committed by any person or entity who
commits any of the following acts:

(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 or the buyer as to the authenticity of the work.

(b) 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; and

(c) 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.

SEC. 4. Art Authentication Panel; Creation and Composition.

– There is hereby created a panel to be known as the Art Authentication Panel to replace and assume the powers and functions of the panel of experts for fine arts provided for in R.A. No. 4846, as amended by P.D. 374. The Panel shall be composed of three (3) members, who shall be chosen and appointed by the National Museum Board of Trustees from a list submitted by the Search Committee created under Section 8 of this Act.

SEC. 5. Functions of the Art Authentication Panel. – In addition to the powers granted to it under Republic Act No. 4846 as amended, the Art Authentication Panel, herein referred to as the "Panel," 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 in the exercise of its functions;

(g) To impose fines and sanctions for violation 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. 6. *Qualifications of the Members of the Panel.* – The members of the Panel must be citizens of the Philippines, at least thirty-five (35) 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 conservation, connoisseurship, art history or visual arts.

SEC. 7. *Terms of Office.* – The members of the Panel shall be appointed by the Board of Trustees for a term of two (2) years: *Provided*, That no member of the Panel shall serve for more than two (2) consecutive terms: *Provided, further*, That appointment to any vacancy shall only be for the unexpired term of the predecessor and shall be counted as one term.

SEC. 8. *Search Committee for the Panel.* – The Board of Trustees of the National Museum created under R.A. No. 8492, is hereby mandated to constitute a Search Committee for the Panel to be composed of, but not limited to, the following persons:

(a) The Executive Director of the National Museum, as *ex officio* chairperson;

(b) A Commissioner of the National Commission for 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 National Artist for Visual Arts;

(e) Two (2) deans of reputable schools of fine arts; and

(f) The president of the Artists Association of the Philippines.

SEC. 9. *Functions of the Search Committee for the Panel.*
– The following are the functions of the Search Committee for the Panel:

(a) Submit to the National Museum Board of Trustees a list of six (6) names, from which the members of the Panel shall be chosen; 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, from which the Panel may draw upon as the need arises.

SEC. 10. *Compensation.* – Members of the Search Committee, the Panel and the Art Consultants shall be entitled to receive *per diems* in accordance with existing rules and regulations.

SEC. 11. *Penalties.* – Any person who commits any of the acts enumerated in Section 3(a) 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 Fifty thousand pesos (P50,000) but not more than Five hundred thousand pesos (P500,000).

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 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 herein, the automatic revocation of their license to operate.

SEC. 12. *Appropriations.* – For the implementation of the provisions of this Act, the amount of Fifty million pesos (P50,000,000) is hereby appropriated and shall be taken from the Organizational Adjustment Fund for the acquisition of the necessary equipment, supplies and expertise.

Thereafter, the amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law.

Any and all amounts collected by the Panel in the exercise of its functions shall be retained by the National Museum to augment its annual appropriations. Disbursements therefrom shall be subject to the approval of the Board of Trustees of the National Museum.

SEC. 13. *Implementing Rules and Regulations.* – The Board of Trustees of the National Museum shall promulgate the necessary rules and regulations for the effective implementation of the provisions of this Act.

SEC. 14. *Separability Clause.* – If any part or provision of this Act shall be held to be unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 15. *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. 16. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved, April 14, 2001.