

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **1283**



Introduced by Hon. Christopher V.P. de Venecia

AN ACT
STRENGTHENING THE PROTECTION OF ARTISTS AGAINST FORGERY,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9105 OR THE ART
FORGERY ACT OF 2001, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Republic Act No. 9105 was enacted with a noble purpose, and that is to prevent and prosecute acts of art forgery, which have caused negative effects not only on our artists' economic interests, but even on their morale. Every hardworking Filipino artist deserves the protection from the government against piracy and copycats.

As good as the intentions of this law were, there were, however, loopholes in some provisions that made it difficult to implement. The most glaring one perhaps is the inclusion of "any National Artist for Visual Arts" in the Search Committee for the Art Authentication Panel. This made the Committee difficult to convene since its composition relies heavily on persons, rather than on institutions. Thus, it is recommended that the composition of the Committee be amended with the endview of making it easier to convene.

Visual artists also took a hit during the pandemic. In addition to the reduction of opportunities to showcase and exhibit their works, there was also a challenge for Filipino artists to keep their artworks safe from forgery and piracy.

The timely amendment of this Act aims to provide additional protections to the artists and their artworks in today's changing times. The addition of digital visual arts in this Act will be able to protect the works of the rising digital artists in our country. In addition, the amendment also seeks to incorporate the objectives of this Act during the celebration of the National Arts Month every February, mandating the Committee to provide further information to the Filipinos on Art Forgery and Piracy, in partnership with the Intellectual Property of the Philippines (IPOPIL) and other related government agencies.

This Act also calls for the publication of the process for complaints in relation to forgery and piracy to be able to help the artists' burden and further complications.

In view of the foregoing, the passage of this bill is earnestly sought.



HON. CHRISTOPHER V.P. DE VENECIA
Fourth District, Pangasinan

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

SECTION 1. Section 1 of Republic Act No. 9105 or the Art Forgery Act of 2001 is hereby further amended to read as follows:

SECTION 1. *Short Title.* – This Act shall be known as the “AMENDED Art Forgery Act [of 2001].”

SECTION 2. Section 3 of Republic Act No. 9105 or the Art Forgery Act of 2001 is hereby further amended to read as follows:

SEC 3. *Definition of Terms.* – For purposes of this Act, the following terms or phrases used herein shall mean or be understood as follows:

xxx

(b) Work of fine art refers to all original works of art like paintings, sculptures, drawings, DIGITAL ARTWORK, and artwork 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, WHETHER PHYSICALLY OR ONLINE, or otherwise deals in works of fine art for profit or gain, such as art galleries, art brokers, and agents.

SECTION 3. Section 4 of Republic Act No. 9105 or the Art Forgery Act of 2001 is hereby further amended to read as follows:

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 OF THE PHILIPPINES Board of Trustees from a list submitted by the Search Committee created under SEC 8 of this Act.

SECTION 4. Section 5 of Republic Act No. 9105 or the Art Forgery Act of 2001 is hereby further amended to read as follows:

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 an investigation and recommend prosecution of all persons who may have violated the provisions of this Act;
- (f) TO RECEIVE REPORTS AND COMPLAINTS;
- (g) TO ASSIST IN THE PROSECUTION, INITIATED BY THE DEPARTMENT OF JUSTICE, BEFORE THE REGULAR COURTS;
- (h) To promulgate rules and regulations in the exercise of its functions;
- (i) To impose fines and sanctions for violation of its rules and regulations;
- (j) TO PROMOTE THE OBJECTIVES OF THIS ACT DURING THE NATIONAL ARTS MONTH HELD DURING THE FEBRUARY OF EVERY YEAR, PURSUANT TO PRESIDENTIAL PROCLAMATION NO. 683, BY RAISING AWARENESS ABOUT THE IMPORTANCE OF INTELLECTUAL PROPERTY PROTECTION IN

THE FIELD OF THE ARTS THROUGH THE CONDUCT OF EVENTS, PROGRAMS, AND CELEBRATIONS, AMONG OTHERS;

(I) TO SUBMIT TO THE PRESIDENT OF THE PHILIPPINES AND BOTH HOUSES OF CONGRESS, NOT LATER THAN THE 30TH OF APRIL OF EVERY YEAR FOLLOWING THE EFFECTIVITY OF THIS ACT, A REPORT GIVING A DETAILED ACCOUNT OF THE IMPLEMENTATION OF THIS ACT, INCLUDING RECOMMENDATIONS FOR LEGISLATION, IF NECESSARY; and

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

SECTION 5. Section 6 of Republic Act No. 9105 or the Art Forgery Act of 2001 is hereby further amended to read as follows:

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 WITH AT LEAST TEN (10) YEARS OF experience in art conservation, connoisseurship, art history or visual arts.

SECTION 6. Section 7 of Republic Act No. 9105 or the Art Forgery Act of 2001 is hereby further amended to read as follows:

SEC 7. Term of Office. – The members of the Panel shall be appointed by the Board of Trustees for a term of THREE (3) [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.

SECTION 7. Section 8 of Republic Act No. 9105 or the Art Forgery Act of 2001 is hereby further amended to read as follows:

SEC 8. Search Committee for the Panel. – The Board of Trustees of the National Museum OF THE PHILIPPINES created under R.A. No. [8492] 11333, 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 OF THE PHILIPPINES, 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] A representative from the art galleries;

(d) [Any National Artist for Visual Arts] THE DIRECTOR-GENERAL OF THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES (IPOPHL) OR HIS OR HER DULY AUTHORIZED REPRESENTATIVE WITH A RANK NOT LESS THAN THAT OF A DIRECTOR IV

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

(f) [The president of the Artists Association of the Philippines] A representative from a creative workers association of visual artists.

SECTION 8. Section 9 of Republic Act No. 9105 or the Art Forgery Act of 2001 is hereby further amended to read as follows:

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 OF THE PHILIPPINES 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.

SECTION 9. Section 11 of Republic Act No. 9105 or the Art Forgery Act of 2001 is hereby further amended to read as follows:

SEC 11. Penalties. – Any person who commits any of the acts enumerated in SEC 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 ONE HUNDRED [fifty] thousand pesos [(P50,000.00)] (P100,000.00) but not more than ONE MILLION [Five hundred thousand] pesos [(P500,000.00)] (P1,000,000.00).

If the acts are committed by a corporation, partnership or any kind of juridical 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.

SECTION 10. *Appropriations.* – The amount necessary for the immediate implementation of this Act shall be included in the annual General Appropriations Act.

SECTION 11. *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.

SECTION 12. *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.

SECTION 13. *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.

SECTION 14. *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,