



NATIONAL COMMISSION FOR CULTURE AND THE ARTS
Excerpts from the Minutes of the Regular Commission Meeting held on
October 11, 2017, NCCA, Manila
and
Confirmed at the Regular Commission Meeting held on
November 21, 2017, NCCA, Manila
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Special Resolution

[U]pon motion made and duly seconded, the majority of the Commission approved and confirmed this ***Special Resolution***:

Resolution No. 2017– 309
Adopting the Policy on Removing the Presumption of Important Cultural Property on the Works of National Artist for Visual Arts for the Issuance of a Permanent Export Permit

RESOLVED, as it is hereby **RESOLVED**, To Adopt the Policy on Removing the Presumption of Important Cultural Property on the Works of National Artist for Visual Arts for the Issuance of a Permanent Export Permit, herewith attached as Annex A.

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Prepared by:

MYLA T. BUAN
Board Secretary

For the Board:

VIRGILIO S. ALMARIO, NA
Chairman

**POLICY ON THE REMOVAL OF THE PRESUMPTION OF IMPORTANT
CULTURAL PROPERTY (ICP)
ON THE WORK/S OF NATIONAL ARTIST FOR VISUAL ARTS
FOR THE ISSUANCE OF A PERMANENT EXPORT PERMIT**

I. PURPOSE

This policy aims to establish the procedures and guidelines on the **Removal of the Presumption of Important Cultural Property (ICP)** on the work/s of National Artists for Visual Arts for the issuance of a Permanent Export Permit. This is to facilitate compliance with Section 8 of Article 3 and Section 23 of Article VI of Republic Act (RA) No. 10066 (or the National Cultural Heritage Act of 2009 in relation to and in order to facilitate compliance therewith to achieve the objectives thereof.

II. SCOPE AND COVERAGE

The guidelines covers work/s of National Artists for Visual Arts considered as presumed ICP as defined in Section 5 of R.A. No. 10066.

III. CONSTRUCTION

The guidelines shall be construed and applied in accordance with and in furtherance of the policies and objectives of the law. In case of conflict or ambiguity, which may arise in the implementation of these guidelines, the National Commission for Culture and the Arts (NCCA) shall issue the necessary clarification. In case of doubt, the same shall be construed liberally and in favor of the Constitutional directives to foster preservation, enrichment and dynamic evolution of a Filipino culture.

IV. DEFINITION OF TERMS

For purposes of this guidelines, the following terms shall be defined as follows:

- a) "Artwork, work of art, art piece, piece of art or art object" shall refer to an aesthetic physical item or artistic creation. Apart from "work of art", which may be used of any work regarded as art in its widest sense, including works from literature and music, these terms apply principally to tangible, portable, movable forms of visual art
- b) "Cultural heritage" shall refer to the totality of cultural property preserved and developed through time and passed on to posterity
- c) "Cultural property" shall refer to all products of human creativity by which a people and a nation reveal their identity, including churches, mosques and other places of religious worship, schools and natural history specimens and sites, whether public or privately-owned, movable or immovable, and tangible or intangible
- d) "Important cultural property" shall refer to a cultural property having exceptional cultural, artistic and historical significance to the Philippines, as shall be determined by the National Museum (NM)

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- e) "National Artists of the Philippines" shall refer to Filipinos conferred with the Order of National Artists (ONA) by the Republic of the Philippines in recognition of their significant contributions to the development of Philippine art
- f) "Nationally significant" shall refer to historical, aesthetic, scientific, technical, social and/or spiritual values that unify the nation by a deep sense of pride in their various yet common identities, cultural heritage and national patrimony
- g) "Tangible cultural property" shall refer to a cultural property with historical, archival, anthropological, archaeological, artistic and architectural value, and with exceptional or traditional production, whether of Philippine origin or not, including antiques and natural history specimens with significant value

V. PROCEDURES

1. *Filing of the petition* - the removal of the Presumption of Important Cultural Property on a work of a National Artist for Visual Arts shall commence upon the submission of the petition form by the owner or their authorized representative.

The accomplished petition form should be accompanied by the following documentary requirements:

- A. Colored photo of the artwork (sized 3R or 3.5"x5")
 - B. Micro photost of the signature of the artist/s
 - C. Colored photo of the back, front and side portions of the artwork (sized 3R or 3.5"x5")
 - D. Duly notarized provenance
 - E. Certificate of authenticity which may be issued by the National Artist himself, the executor or administrator of the estate of the deceased National Artist, reputable art experts/critics, or by the National Museum pursuant to Republic Act 9105 or the Art Forgery Act of 2001, whichever is applicable.
2. *Appraisal on the completeness of documents* - upon receipt of the document, the CHS officer shall assess the completeness of the documents based on the list of documentary requirements. In case of insufficiency of requirements, CHS shall notify the petitioner and shall return the petition for completion.
 3. *Payment of fee/s* - the Commission prescribes a reasonable fee for petition through Board Resolution 2013-499 amounting to two thousand pesos only (Php. 2,000.00). The payment of the fee only covers for the processing of the petition. It does not constitute as a guarantee for the granting of the petition.

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The petitioner shall proceed to the Commission's cashier for payment. The petitioner shall submit the Official Receipt as evidence of payment and shall attach it with the petition together with the required documents.

4. *Posting of the petition* - the petition shall be posted both physically, in areas of notice, and electronically, on the official websites of all cultural agencies. The postings will be up for fifteen (15) calendar days to invite opposition from public and possible adverse claimants.
5. *Recommendation of independent experts by the National Committees and assessment by the independent experts.* The National Committees on Art Galleries and Visual Arts may identify the experts who have specialized on the work/s of the concerned National Artist/s. At least three experts are required to assess the artwork being petitioned. The CHS officer may also request to inspect the artwork in person to check the authenticity and condition of the artwork.

The assessment shall be guided by *National Significance*, defined in Section 3 of R.A. 10066 or the National Cultural Heritage Act of 2009 as:

“...historical, aesthetic, scientific, technical, social and/or spiritual values that unify the nation by a deep sense of pride in their various yet common identities, cultural heritage and national patrimony.”

The assessment by the independent experts must be completed within fifteen (15) calendar days from the date of their acceptance of the Commission's request.

6. *Recommendation* - Based on the assessments and any possible public opposition or adverse claim, the CHS officer shall craft recommendation/s through a memorandum addressed to the NCCA Board of Commissioners (BOC) for their consideration of the petition.
7. *Action by the BOC* - After its thorough review and consideration, the BOC may grant or deny the removal of the presumption of Important Cultural Property. The CHS officer shall notify the petitioner on the status of the petition.

If the petition is granted, the BOC shall issue a certification & resolution endorsing the issuance of necessary permit to the National Museum. Such certification does not constitute as an authentication of the art work. The CHS officer shall communicate the endorsement attaching the BOC Certification & Resolution granting the petition and removing of the presumption of ICP. The CHS officer shall also notify the petitioner on the endorsement to NM. However, if the petition is denied, the work is declared an Important Cultural Property.

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Any adverse claimants to the BOC's decision has fifteen (15) days to file a motion for reconsideration to the Office of the President as governed by Administrative Order No. 22, s. 2011.

VI. EFFECTIVITY

This policy shall take effect after fifteen (15) calendar days following its full publication in the Official Gazette and in two (2) daily newspaper of general circulation in the Philippines, whichever takes place sooner. A copy of this guideline shall be deposited in the National Administrative Register and the University of the Philippines' (UP) Law Center.

