



NATIONAL COMMISSION FOR CULTURE AND THE ARTS
*Excerpts from the Minutes of the Regular Commission Meeting
held on 12 May 2021 via Zoom*

Resolution

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

Resolution No. 2021-303
Approving and Adopting the
NCCA Guidelines Governing the Licensing of Dealers of
Cultural Property in the Philippines

WHEREAS, Section 16 of Republic Act 4846, otherwise known as the
“Cultural Properties Preservation and Protection Act,” as amended by Presidential Decree
374, s. 1974, provides that all dealers of cultural properties shall secure a license as a dealer
in cultural properties from the Director of the National Museum;

WHEREAS, Section 10 of Republic Act No. 10066, otherwise known as "The
National Cultural Heritage Act of 2009," provides that all dealers of cultural property shall
secure a license to operate as such from the appropriate cultural agency concerned. They shall
submit a quarterly inventory of items carried which shall include a history of each item.
Failure to submit two (2) consecutive inventories shall be a ground for cancellation of the
license. All dealers of cultural property shall be subject to inspection by the concerned
cultural agencies;

WHEREAS, Section 30 of Republic Act No. 11333, otherwise known as the
“National Museum of the Philippines Act”, provides for the transfer of regulatory functions
from the National Museum of the Philippines (NMP) to the National Commission for Culture
and the Arts (NCCA), specifically all regulatory functions as provided by Republic Act No.
4846, Presidential Decree No. 260, Presidential Decree No. 374, Presidential Decree No.
1109, Republic Act No. 8492, Republic Act No. 9105, Republic Act No. 10066, and all other
laws and issuances amending or citing as legal basis the same;

WHEREAS, the NCCA Cultural Heritage Section prepared a set of guidelines
governing the licensing of dealers of cultural properties in the Philippines using the existing
guidelines of the NMP Cultural Properties Regulation Division and taking into consideration
the organizational structure and processes of the Commission;



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NATIONAL COMMISSION FOR CULTURE AND THE ARTS

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WHEREAS, the said guidelines was reviewed by the Office of the Solicitor-General and was presented to the Subcommittee on Cultural Heritage during its 28 April 2021 Regular Meeting and has endorsed the same for approval of the Board of Commissioners;

NOW, THEREFORE, be it **RESOLVED**, as it is hereby **RESOLVED**, after due deliberation and careful review, and upon the recommendation of the Subcommittee on Cultural Heritage, to **APPROVE** and **ADOPT** the *NCCA Guidelines Governing the Licensing of Dealers of Cultural Property in the Philippines* for implementation of the NCCA, herewith attached as Annex A.

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Attested by:

MYLA T. BUAN
Board Secretary

For the Board:

ARSENIO J. LIZASO
Chairman



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ANNEX A
Resolution No. 2021-303, May 12, 2021
Approving and Adopting the
NCCA Guidelines Governing the Licensing of Dealers of
Cultural Property in the Philippines

GUIDELINES GOVERNING THE LICENSING
OF DEALERS OF MOVABLE CULTURAL PROPERTIES
IN THE PHILIPPINES

I. PURPOSE

This guidelines aims to establish the procedures for the processing and issuance of licenses in the acquisition, sale, disposition and other transactions of movable cultural properties within the country, requiring that such sale or transactions are properly registered with the Commission, and that the Government be given the right of first refusal in the sale and transactions of such movable cultural property.

This is to further ensure full protection and safeguard against illegal trafficking and transactions of movable cultural properties, and to facilitate compliance with Sections 16 and 17 of Republic Act 4846 or the Cultural Properties Preservation and Protection Act, as amended by Presidential Decree 374, and Section 10 of Article III of Republic Act No. 10066, otherwise known as "*The National Cultural Heritage Act of 2009*."

II. SCOPE AND COVERAGE

This guidelines covers all acquisitions and dispositions of dealers, whether natural or juridical, of movable cultural property, whether publicly or privately owned, pursuant to R.A. No. 4846, as amended, and Sections 4 and 5 of R.A. No. 10066.

III. OBJECTIVES

The objectives of these Guidelines are:

1. To protect the interest of the Government and to preserve the cultural heritage of the Filipino people.
2. To regulate, control, and monitor the sale, auction, or other transactions of movable cultural properties within the Philippines.
3. To establish a list of certified or licensed, and blacklisted dealers of movable cultural properties, as well ensuring compliance with the promulgated laws governing the disposition of cultural properties.



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IV. DEFINITION OF TERMS

As used in and for purposes of this Guidelines, the following terms shall mean:


- 4.1 Acquisition** shall refer to the act of a natural or juridical person or entity, in procuring a movable cultural property not only for the purpose of acquiring ownership, but shall also include acquiring the actual or constructive possession thereof, on a temporary or permanent basis, either for a valuable consideration or without consideration, and for the purposes of sale, auction, or any transaction whether done in the regular course of business or in an isolated transaction involving a movable cultural property.
- 4.2 Archaeological materials** are fossils, artifacts, relics, antiques, and other cultural, geological, botanical, zoological materials collected from any place, whether above or underground, underwater or at sea level, which depict and document culturally relevant paleontological, prehistoric and/or historic events.
- 4.3 Antique** refers to a cultural property found locally which is one hundred (100) years in age, more or less, the production of which has ceased.
- 4.4 Artifacts** refers to articles that are products of human skills or workmanship, especially in the simple product of primitive arts or industry representing past eras or periods.
- 4.5 Cultural Property** refers 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.
- 4.6 Dealers** shall refer to natural or juridical persons who acquire movable cultural property for the purpose of engaging in the acquisition and disposition of the same, which shall include auction houses, art galleries or exhibitions, or other intermediaries or *middlemen*, who engages in the sale of movable cultural property either in the regular course of their business or isolated transactions.
- 4.7 Dealing in Movable Cultural Property** shall refer to an act, series of acts, or any isolated transaction which involves the acquisition and disposition of movable cultural property, whether for sale, resale, auction, display in art galleries or exhibitions for purposes of sale, and other similar activities which involves the movement and transfer of ownership over a movable cultural property.



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- 4.8 Disposition** shall refer to the act by which a person or entity disposes of a movable cultural property by transferring the care or possession or ownership thereof through sale, auction, display in art galleries or exhibits for purpose of sale, and other similar means involving the transfer of ownership or possession over a cultural property.
- 4.9 Ecofacts** are organic materials from archaeological sites, such as bones, shells and plant remains with cultural significance but not modified by man.
- 4.10 Ethnographic Items** refer to traditional tangible cultural materials made and used by members of ethno-linguistic groups of the Philippines that are at least 50 years old from the date of collection.
- 4.11 Holotypes** are plants and animals that were used as bases in the classification and identification of the species and shall be treated as cultural property.
- 4.12 Movable cultural properties** are objects which may be classified as antiques, relics, or artifacts, and specimens of natural history such as physical, anthropological, archeological and ethnographic materials, meteorites and tektites; household and agricultural implements; decorative articles or personal adornment; works of art such as paintings, sculptures, carvings, jewelry, music, architecture, sketches, drawings, or illustrations in part or in whole; works of industrial and commercial art such as furniture, pottery, ceramics, wrought iron, gold, bronze, silver, wood or other heraldic items, metals, coins, medals, badges, insignias, coat of arms, crests, flags, arms, and armor; vehicles or ships or boats in part or in whole.
- 4.13 Relics** refer to objects possessing cultural properties which, either as a whole or in fragments, are left behind after the destruction or decay of the rest or its parts, and which are intimately associated with important beliefs, practices, customs and traditions, persons and personages.
- 4.14 Special Panel** shall refer to the special panel created by the NCCA Board to specifically handle the resolution of appeals of blacklisted dealers.
- 4.15 Tangible Cultural Property** refers 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.



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V. PROCEDURES

The procedures and requirements for the issuance of a license for dealers and their agents to deal with movable cultural property are as follows:

5.1 All applications for the issuance of appropriate license filed by dealers, whether natural or juridical, including their agents, intending to engage in the business of antiquity or sale of movable cultural property must be accompanied by the following documents:

5.1.1 Mayor's Permit or Business Permit;

5.1.2 Certificate of Registration with the Department of Trade and Industry, and the Securities and Exchange Commission; and

5.1.3 Application form duly accomplished by the dealer (Annex A).

Only applications of applicants with movable cultural property registered in the Philippine Registry of Cultural Property (PRECUP) and having the corresponding registry number for each object shall be accepted.

5.2 Dealers and/or their agents may file an application for renewal of their license one month before the expiration thereof, subject to the complete submission of the same requirements for new licenses. For surcharges on late renewal, the computation under Section 5.6 herein shall apply.

5.3 Applications with incomplete requirements shall automatically be denied;

5.4 An Order of Payment stating the amount to be paid shall be issued to the applicant. The following rates shall apply:

5.4.1 Licensing or renewal fee for dealers and their agents: Application fee of Four Hundred Pesos (PHP 400.00), Four Thousand Pesos (PHP 4,000.00) for the license of the dealer, and Two Thousand Pesos (PHP 2,000.00) for the license of the agent.

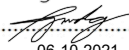
5.4.2 For the separate application or additional license for agents: Application fee of Four Hundred Pesos (PHP 400.00) and Two Thousand Pesos (PHP 2,000.00) for the license of the agent.

5.5 The Order of Payment and the Official Receipt issued must be presented before release of the license;

5.6 All licenses shall be signed by the Executive Director or by his duly authorized officer.



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VI. TERMS AND CONDITIONS

- 6.1** All licenses issued pursuant to this Guidelines shall be subject to strict compliance with relevant laws governing the protection and preservation of the Philippines' national cultural heritage, and the corresponding Implementing Rules and Regulations duly issued by the NCCA.
- 6.2** Any license issued under these guidelines shall be valid for three (3) years from the date of issuance.
- 6.3** A quarterly inventory of cultural properties with corresponding narratives of its history must be duly submitted. Failure to submit two (2) consecutive inventories shall be a ground for cancellation of the license, pursuant to Section 10 of R.A. No. 10066, and for the initiation of the blacklisting procedure against the concerned dealer or agent.
- 6.4** The licensed dealer shall still be required to submit his inventory even in the event that he does not currently hold any movable cultural property. Such facts shall be stated in the quarterly inventory.
- 6.5** A licensed dealer who acquires movable cultural property not yet part of his current inventory shall report the acquisition and register the same with the PRECUP within seven (7) days from the date of acquisition.
- 6.6** Before any sale or auction of cultural properties or antiquities may commence, the Government must first be given the right of first refusal to purchase the subject property/ies based on its declared or assessed value, whichever is lower. *Provided that* the assessment be made by an external professional assessor, at the expense of the dealer. *Provided, further,* that should the declared and assessed value be unreasonably inconsistent, the NCCA shall demand for a reassessment of the property by a different professional, at the expense of the dealer.
- 6.7** The principal office, branches, and sales outlets of dealers of movable cultural property shall be subject to inspection, pursuant to Section 27 of R.A. No. 10066.


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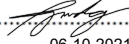

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**VII. REGISTRY OF DEALERS AND THE BLACKLISTING OF DEALERS
AND/OR THEIR AGENTS**

- 7.1** The NCCA shall establish and maintain a list of all duly licensed dealers and agents and their respective inventory.
- 7.2** The NCCA shall periodically update its records on the inventory of the dealers or galleries upon the latter's quarterly submission of their updated inventory.
- 7.3** The NCCA shall likewise establish and maintain a list of blacklisted dealers or agents. The determination of a blacklisted entities or individuals shall be subject to the following grounds for blacklisting:
- 7.3.1** Acquisition or disposition of any movable cultural property without the required permit or license issued by the NCCA;
- 7.3.2** Violation of the terms and conditions of the license issued;
- 7.3.3** Violation of any law, rules, or issuances of the NCCA regarding the acquisition and disposition of cultural properties; and
- 7.3.4** Any act intended to circumvent the blacklisting order, such as the creation of a new entity having the same owners, officers, or persons having controlling interest despite having been previously blacklisted or having their license previously revoked.
- 7.4** Upon discovery of an act or omission which is a ground for blacklisting, the NCCA shall, within 90 days from the discovery, initiate an investigation on the said act or omission.
- 7.5** The NCCA shall give written notice to the dealer and his agent of the pending investigation regarding the existence of a ground for blacklisting.
- 7.6** The dealer and his agent shall be given an opportunity to submit a position paper and other necessary evidence to prove compliance with the terms and conditions of the issued license without the need for a trial-type hearing.
- 7.7** When any violation of the terms and conditions of the license is duly found, the NCCA shall issue the Blacklisting Order duly signed by the Executive Director or the duly authorized Officer, against the concerned dealer and/or his agent.
- 7.8** The Blacklisting Order shall be immediately executory, the aggrieved party may file an appeal with the NCCA Board of Directors within fifteen (15) days from receipt of the Blacklisting Order. The filing of said appeal shall not stay the execution of the Blacklisting Order. The appeal must be resolved by the NCCA Board through a special panel created specifically for the purpose of reviewing appeals of blacklisted dealers. The aggrieved dealer or agent may file a position paper and other supporting documents.



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- 7.9** Pending the creation of the special panel, an Ad hoc committee is hereby created for the purpose of resolving appeals by blacklisted dealers. The Ad hoc Committee on Appeals of Blacklisted Dealers shall be composed of the Commissioner on Cultural Heritage, the heads of the National Committee on Museums (NCOM), National Committee on Art Galleries (NCAG), National Committee on Visual Arts (NCVA), and the Head of the Cultural Heritage Section or Division tasked with the issuance of the license to deal in movable cultural property.
- 7.10** If the appeal is denied, the name of the concerned dealer and/or his agent shall be duly recorded in the blacklisted portal of the NCCA. For blacklisted entities dealing in movable cultural property, the owners, board members, officers, or those having controlling interest therein, shall have their names included in the blacklist. Any entity having such a person as an owner, board member, officer, or a person having controlling interest, shall be barred from further applying for a license to deal in movable cultural property
- 7.11** Upon denial of the appeal, the aggrieved party may file the necessary appeal with the regular courts, within the reglementary period provided by the Rules of Court.
- 7.12** If necessary, the NCCA may deputize the Philippine National Police, the National Bureau of Investigation, the Armed Forces of the Philippines, the Philippine Coast Guard, and other local or national law enforcement agencies to enforce the provisions of this guidelines.
- 7.13** All blacklisted dealers or agents shall be disqualified to apply for another license to deal in movable cultural property for a period of one year. The blacklisting carries with it the instant revocation of the license of the dealer and/or his agent.

VIII. PENALTIES

- 8.1** Pursuant to Section 48 of R.A. 10066, it shall be prohibited to deal in movable cultural property without proper registration and license issued by the cultural agency concerned. In addition, penalties provided in Section 49 of the same Act shall apply in the commission of the prohibited acts and violation of the terms and conditions of the license.
- 8.2** To cause the sale of a movable cultural property without first registering the same, or without granting the national government the right of first refusal to purchase the property, shall be a ground for the cancellation of the license and for the inclusion of the dealer and/or his agent in the blacklist.



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IX. GUIDELINES REVIEW PROCESS

This guidelines will be reviewed every five years and at other times if any significant new information or organizational change warrants a review. The effectiveness of this guidelines will be assessed as required and the guidelines will be amended if necessary to reflect the needs of the Commission. The Executive Director is authorized to promulgate rules and regulations to implement the provisions of this guidelines subject to the approval of the Chairman. Any amendment to this guidelines requires the approval of the NCCA Board.

X. SEPARABILITY CLAUSE

If any provision or part hereof is held invalid or unconstitutional, the remainder of these rules or the provision not otherwise affected shall remain valid and subsisting.

XI. REPEALING CLAUSE

All rules, board resolutions, instructions and rules and regulations or parts thereof which are inconsistent with this guidelines are hereby deemed repealed or modified accordingly.

XII. EFFECTIVITY

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




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ANNEX A-APPLICATION FORM

A. APPLICANT DETAILS

Title (agent or dealer):	
First name:	
Surname:	
Organization:	
Address:	
Province:	
Postal code:	
Country: (see note below)	Philippines
Telephone:	
Mobile:	
Email: (see note below)	
Please check what is applicable to you:	
	<input type="checkbox"/> Dealer
	<input type="checkbox"/> Dealer's Representative
	<input type="checkbox"/> Agent

Supplemental Required Information for Dealers

Please list all other officers (if corporation), co-owners, partners, members with controlling interest over the entity or dealership. (Attach another sheet if applicable)

Name: 

_____ Last First Middle

Title/Position:

Email: 

Home/Business



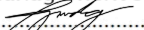
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Date of Birth: ____/____/____ Contact No/s.:

Day Month Year

Name: _____

Last First Middle

Title/Position: _____
Email: _____

Home/Business _____ Address: _____

Date of Birth: ____/____/____ Contact No/s.:

Day Month Year

Note: Provision of an address in the Philippines for the service of notices or communications. You may update this address at any time by giving notice in writing in the same manner as you submitted this application.

Note: NCCA will correspond with you in relation to your application, including providing the outcome of your application and any reasons for decision, via the email address included in your application form, unless you indicate another preference.

Note: For agents, please include the Special Power of Attorney (SPA) or Secretary's Certificate issued by the Dealer, and in addition to your personal email, the email address of your principal.

B. Inventory of Cultural Property

Prepare a list of registered cultural properties in your current inventory with the following details:

Name of Object	Photo	PRECUP Registry No.



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[Signature]

[Signature]

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Photographic requirements

- You must provide clear color photographs of the object. The object should be clearly visible and identifiable.
- Where the object has a serial number, photos of this identification must be included.
- A clear scan of a photograph of the object published in a book or catalogue is acceptable.
- For natural history specimens, a photo of the actual specimen, or in the case of a collection, a representative sample must be included.
- For very large collections, a photo of the most significant object as well as a photo of a representative example of the collection must be included. Large collections may be inspected.
- NCCA may request further information, including additional photographs, or access to view the object/s, to accurately assess the significance thereof.

History of License Applicant (for dealers and agents)

Have you ever previously applied for a License to deal in cultural property under the RA 4846 or 10066 for this object?

☐ Yes
☐ Yes (I want to renew my license)
☐ Yes but rejected.
Reason/s: _____

☐ No

Have you been previously blacklisted or your license previously revoked?

☐ Yes
☐ No
☐ Unknown

If you answered 'Yes' to the immediately above question, please indicate the reason and the NCCA Board Resolution reversing the order of blacklisting.

Please sign and date this form on the last page at Part C.



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C. STATEMENT

Your statement

I, _____, hereby certify that I personally accomplished this application and that to the best of my knowledge, the contents of this form are true, correct, and complete statements pursuant to provisions of pertinent laws, rules and regulations of the Republic of the Philippines.

I understand and agree that if this application is granted, the issuance of the license to deal in cultural property is a privilege which may be revoked by the granting authority should there be any violation of the terms and conditions or existence of a ground for revocation or blacklisting, as provided for in the *Guidelines on the Licensing of Dealers*. Moreover, the granting of the same does not provide authority to export the object(s) or collection, which shall require the issuance of a separate permit under a different application. In case of denial of this application.

I authorize NCCA or its authorized representative/s to verify/validate the contents stated herein and to obtain and secure from all appropriate government agencies such documents provided. I agree that any misrepresentation made in this document and its attachments shall subject myself to possible civil, criminal, and/or administrative liabilities and shall automatically warrant the denial of my application.

Signature over printed name

Date: _____

Government
Issued ID: _____

ID/License/Pas
sportNo: _____

Date/Place of
Issuance: _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, affiant exhibiting to me the above-stated government issued identification card.



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(Person Administering Oath)



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**Checklist of Requirements for the Application for the
Issuance of a License to Deal in Cultural Property**

- ☐ Mayor's Permit or Business Permit;
- ☐ Certificate of Registration with the Department of Trade and Industry and the Securities and Exchange Commission;
- ☐ Duly accomplished Application Form (Annex A)

Other documents may be required or waived by the NCCA depending on the circumstances surrounding the application.

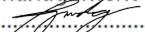


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