The 1970 Convention on Illicit Trafficking of Cultural Property
The Philippine Report
STRATEGIC LOCATION
The Philippines is not a signatory to the 1970 Convention and has not ratified it. However, the Philippine Constitution contains an incorporation clause which states:

“Art. II Section 2. The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations”
The Cultural Agencies

All are coordinated by the National Commission for Culture and the Arts, the supervisory body.

- 1. The National Museum
- 2. The National Historical Commission of the Philippines
- 3. The National Archives
- 4. The National Library
- 5. The Commission on Philippine Language
- 6. The Cultural Center of the Philippines
The National Museum is transitioning to the NCCA the enforcement of laws against trafficking of cultural property.
“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.
I. Preventive measures:
Inventories, export certificates, monitoring trade, imposition of penal or administrative sanctions, educational campaigns, etc.
On preventive measures: inventories

Creation of the Philippine Registry of Cultural Property

SECTION 14. Establishment of a Philippine Registry of Cultural Property (PRECUP). - All cultural property of the country deemed important to cultural heritage shall be registered in the Philippine Registry of Cultural Property.

* The Commission, through the appropriate cultural agencies and local government units, shall establish and maintain this Registry within three (3) years from the effectivity of this Act. The guidelines in the registration of cultural property are as follows:
* (a) All cultural agencies concerned shall individually maintain an inventory, evaluation and documentation of all cultural properties it has declared according to their category and shall submit the same to the Commission. For cultural property declared as Immovable Cultural Property, the appropriate cultural agency shall, after registration, give due notice to the Registry of Deeds having jurisdiction for annotation on the land titles pertaining to the same;
* (c) Both cultural agencies concerned and local government units shall continuously coordinate in making entries and in monitoring the various cultural properties in their respective inventory;
* (d) All government agencies and instrumentalities, government-owned and/or controlled corporations and their subsidiaries, including public and private educational institutions, shall report their ownership and/or possession of such items to the pertinent cultural agency and shall register such properties within three (3) years from the effectivity of this Act;
* (e) Private collectors and owners of cultural property shall register such properties, within three (3) years from the effectivity of this Act. The private collectors and owners of cultural property shall not be divested of their possession and ownership thereof even after registration of said property as herein required.
(a) Authorization from the Commission through the appropriate cultural agencies;

(b) Application for export permit shall be submitted thirty (30) days before the intended export from the Philippines; and

(c) Application for export permit must include the following: (1) the purpose of the temporary export; (2) the export date of the cultural property; (3) the repatriation date of the cultural property; (4) a description of the cultural property; and, (5) the inventory of the cultural property in the Philippine Registry of Cultural Property.

The grant of export permit shall be based on the following conditions: (i) the cultural property is exported on a temporary basis; and (ii) export of cultural property is necessary for scientific scrutiny or exhibit.
**SECTION 48. Prohibited Acts.** - To the extent that the offense is not punishable by a higher punishment under another provision of law, violations of this Act may be made by whoever intentionally:

* (c) Explores, excavates or undertakes diggings for the purpose of obtaining materials of cultural historical value without prior written authority from the National Museum. No excavation or diggings shall be permitted without the supervision of a certified archaeologist;

* (d) Appropriates excavation finds contrary to the provisions of the New Civil Code and other pertinent laws;

* (e) Imports, sells, distributes, procures, acquires, or exports cultural property stolen, or otherwise lost against the will of the lawful owner;

* (f) Illicitly exports cultural property listed in the Philippine Registry of Cultural Property or those that may be categorized as such upon visitation or incorrectly declares the same during transit; and,

* (g) Deals in cultural property without proper registration and license issued by the cultural agency concerned.

**SECTION 49. Penal Provisions.** - Upon conviction, the offender shall be subject to a fine of not less than Two Hundred Thousand Pesos (P200,000.00) or imprisonment for a term of not less than ten (10) years, or both upon the discretion of the Court: Provided, That any cultural property attempted to be concealed from registration or those intended to be encumbered or excavated in violation of this Act shall be summarily confiscated and forfeited in favor of the Commission: Provided further, That if the violation is committed by a juridical person, the president, manager, representative, director, agent or employee of said juridical person responsible for the act shall also be liable for the penalties provided herein: Provided furthermore, That if the acts are committed by dealers, they shall suffer, in addition to the penalties provide herein, the automatic revocation of their license to operate: Provided finally, That if the offender is an alien, he shall be placed under the custody of the Bureau of Immigration for the appropriate proceedings under this Act, and shall be summarily deported after serving his/her sentence.
- Incorporation in basic education system
- Cultural Heritage Education Program
- Creation of Sentro Rizal Information centers for overseas workers and their families

Educational campaigns
SECTION 29. Power to Recover Cultural Properties. – The Commission is empowered to recover or retrieve cultural properties which are under the custody of foreign nationals or entities and to bring these properties back to Philippine custody.

SECTION 32. Institutional Linkages of the National Cultural Agencies. - The cultural agencies and other national government agencies, as listed below, shall consult, coordinate and work closely with the Commission in the implementation of their respective programs/projects in the context of this Act. Furthermore, the Commission may link up with other agencies and institutions, as it may deem appropriate, as a way of dealing with conservation on a holistic manner.

x x x

(m) The Office of the Special Envoy on Transnational Crimes which shall have the oversight and operational capacity to go after illicitly trafficked and stolen cultural treasures.
Summary

With the passage of RA 10066, much of the important provisions of the Convention have been localized despite the lack of its ratification.