

## **GUIDELINES GOVERNING THE EXPORT OF CULTURAL PROPERTIES FROM THE PHILIPPINES**

### **I. PURPOSE**

This guidelines aims to establish the procedures for the processing and issuance of export permits for cultural properties for purposes of regulating its movement and transport abroad. This ensures that cultural properties, whose loss by export overseas would significantly diminish the cultural heritage of the Philippines, are retained for the benefit of the nation. This is to facilitate compliance with Section 10 of Republic Act No. 4846, otherwise known as the “Cultural Properties Preservation and Protection Act,” as amended by Presidential Decree 374, and Section 11 of Article III and Section 23 of Article VI of the Republic Act No. 10066, otherwise known as "The National Cultural Heritage Act of 2009."

### **II. SCOPE AND COVERAGE**

This guidelines covers all movable cultural properties, whether public or privately-owned, covered by Section 3 of R.A. 4846, as amended by P. D. 374, and Sections 4, 5, and 23 of R.A. No. 10066, whether for permanent or temporary export.

### **III. OBJECTIVES**

The objectives of these Guidelines are:

- 3.1. To regulate, control, and monitor the movement and transport of all cultural properties from the Philippines to other countries; and
- 3.2. To provide appropriate guidelines for dealings of cultural property and disposition thereof, to protect the interest of the Government, and to preserve the cultural heritage of the Filipino people.

### **IV. PROCEDURES**

The procedures and requirements for export of cultural property, whether temporary or permanent, are as follows:

- 4.1. An applicant, whether the owner, artist, or their duly authorized agent or representative, must submit the following documents to NCCA at least sixty (60) days before the intended export from the Philippines;
  - 4.1.1. A letter of intent addressed to the Executive Director;
  - 4.1.2. Accomplished Application Form for Export Permit (see Annex A);
  - 4.1.3. Certified copy of agreement between the exporting and receiving parties;



4.1.4. One of the following:

4.1.4.1 Photo copy/ies of sales invoice, the numbers of which are in the authorized statement for printing invoices that are approved by the BIR and which were submitted to the NCCA or the National Museum of the Philippines (NMP) by the dealers/exporters of cultural properties duly licensed by the NMP or NCCA; or Notarized Affidavit of Ownership of the objects to be exported stating how these objects were acquired in the absence of sales invoices;

4.1.4.2 Notarized Affidavit of Ownership or Certificate of Authenticity if the applicant is the artist;

4.1.5. If the applicant is acting as an agent or representative for the artist or owner of the object, the agent must provide a Special Power of Attorney (SPA) explicitly stating that the artist or owner is allowing him to process the application;

4.1.6 Certificate of Registration of the cultural properties to be exported previously issued by the National Museum of the Philippines or by NCCA;

4.1.7 NCCA Board Resolution granting the petition to lift the presumption of Important Cultural Property, if the objects for permanent export are works of National Artists and/or GawadsaManlilikha ng Bayan (GAMABA);

4.1.8 For reproductions of works of National Artists, an affidavit stating the fact that it is a reproduction;

4.1.9. Colored photograph of each object to be exported or a digital picture thru compact disc and hard copy;

4.1.10. A copy of passport if the applicant is a foreign national;

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

4.2. The NCCA reserves the right to deny the application with incomplete requirements or if submitted later than the prescribed period of application;

4.3. After complying with the above requirements, the application shall be subject to verification and review. There are cases where the objects are needed to be referred to expert examiners or the competent government agency (e.g. Department of Environment and Natural Resources) as part of the assessment;

4.4 As a member of the Philippine Center for Transnational Crime-INTERPOL National Crimes Bureau (PCTC-INTERPOL NCB) and National Law Enforcement Coordinating Committee - Sub-Committee on Organized Crime (NALECC-SCOC), NCCA has the authority to refer objects that may be subject to transnational crimes (illicit trafficking).



4.5 Assessments may require the physical inspection and appraisal of the objects for export. They may either be brought to NCCA or can be inspected at the office or residence of the applicant if there is risk or difficulty in transporting the objects by reason of size, volume or weight. The cost of transportation of the NCCA staff or designated expert examiner/s shall be shouldered by the applicant;

4.6. Upon completion of the assessment, an application for export permit can have the following possible outcomes:

4.6.1 The object is not a cultural property, therefore RA 4846, as amended by PD 374, and RA 10066 do not apply to the object and a certificate of non-coverage will be issued;

4.6.2 The object is a cultural property and

4.6.2.1 If its export would not significantly diminish the cultural heritage of the Philippines, a permanent export permit will be issued.

4.6.2.2 If its export is for exhibit or scientific scrutiny, a temporary export permit will be issued which may include the imposition of certain conditions;

4.6.3 The object is a cultural property and its export would significantly diminish the cultural heritage of the Philippines and a letter stating the denial of the application for an export permit will be issued.

All issuances shall be signed by the Executive Director or by his delegate. A power so delegated, when exercised by the delegate, shall, for purposes of this guidelines, be deemed to have been exercised by the Executive Director.

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

4.7.1 Certificate of Non-Coverage: Application Fee of Fifty Pesos (PHP 50.00) and Two Hundred Fifty Pesos (PHP 250.00) for the certificate;

4.7.2 Permanent Export Permit: Application Fee of Fifty Pesos (PHP 50.00) and 10% of the insured / acquired value manifested in the official receipt or One Thousand Pesos (PHP1,000.00) whichever is higher in value;

4.7.3. Temporary Export Permit: Application Fee of Fifty Pesos (PHP50.00)

4.8. The Order of Payment and the Official Receipt issued must be presented to claim the permit or certificate;

## V. TERMS AND CONDITIONS OF PERMITS

5.1. If a permanent export permit is issued, it means that the cultural property can be exported permanently from the Philippines, and the cultural property does not at any time have to be returned to the Philippines. As the significance of cultural properties can change over time, permanent export permits have an expiry date by which they must be exported. If the cultural property hasnot been exported from the Philippines by that date, the permit is no longer valid.



5.2. Temporary export permits are issued on the condition that the cultural properties are returned to the Philippines within the time limit stated on the permit. Upon the return of the cultural properties to the Philippines, the permit recipient shall immediately notify the NCCA for its inspection. In case the duration of the exhibit or scientific scrutiny has been extended, the permit recipient must notify the NCCA in writing.

5.3. The permits or certificates issued by NCCA only authorize the export of an object from the Philippines for the purposes of RA 4846, as amended by PD 374, and RA 10066. Other concerned government agencies are not inhibited from requesting additional requirements from the permit recipient. Permit recipients are responsible for ensuring that they meet all other export permission requirements for private and commercial purposes.

5.4. Cultural properties covered by temporary export permits, particularly National Cultural Treasures, may be required to be insured against loss or damage by the owners thereof, and/or to be accompanied by a duly authorized representative of the NCCA.

5.5. NCCA property/ies intended to be temporarily exported for exhibit or scientific scrutiny shall have prior approval from the NCCA Chairman before the issuance of a permit.

## **V. PENALTIES**

Pursuant to Section 48 of R.A. 10066, it is prohibited to export cultural properties which have been stolen or otherwise lost against the will of the lawful owner; to illicitly export cultural properties 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 to deal in cultural property without proper registration and license issued by this Commission. In addition, cultural properties covered by a temporary export permit which were not returned to the Philippines shall be considered illicitly exported. Penalties provided in Section 49 of the same Act shall apply for the commission of any of these offenses.

## **VI. POLICY REVIEW PROCESS**

This guideline will be reviewed every five years and at other times if any significant new information, policy, 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 policy subject to the approval of the Chairman. Any amendment to this policy requires the approval of the Board of Commissioners.

## **VII. 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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Records Management Section  
By: Roulane Jeyd M. de Guzman

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