

****Title:**** Eliseo F. Soriano vs. MTRCB and Others (G.R. Nos. 164785 & 165636)

****Facts:****

Eliseo F. Soriano, host of the television program “Ang Dating Daan” aired on UNTV 37, made offensive remarks on August 10, 2004. These remarks targeted Michael Sandoval, a minister of Iglesia ni Cristo (INC) and a host of “Ang Tamang Daan.” As a result, Jessie L. Galapon and seven other members of INC filed complaints with the Movie and Television Review and Classification Board (MTRCB), prompting a hearing notice to Soriano for the use of cuss words.

On August 16, 2004, after Soriano’s appearance at a preliminary conference, the MTRCB preventively suspended “Ang Dating Daan” for 20 days. Soriano sought reconsideration of this suspension and requested certain board members to recuse themselves but later withdrew this motion and filed a petition with the Supreme Court (G.R. No. 164785) to nullify the preventive suspension.

On September 27, 2004, the MTRCB found Soriano guilty of the utterances and imposed a three-month suspension on him but exonerated his co-respondents and UNTV Channel 37. Soriano subsequently sought certiorari and prohibition against this decision (G.R. No. 165636), challenging its constitutionality. The Supreme Court consolidated both cases on April 4, 2005.

****Issues:****

1. Was the preventive suspension order of MTRCB validly issued?
2. Did the MTRCB violate Soriano’s rights to due process and equal protection?
3. Did the MTRCB’s decision infringe on Soriano’s freedoms of religion, speech, and expression?
4. Is Section 3(c) of Presidential Decree No. 1986 unconstitutional for undue delegation of legislative power?

****Court’s Decision:****

1. ****Preventive Suspension Order Validity:****

The Supreme Court upheld the preventive suspension as valid, noting that MTRCB’s regulatory and supervisory powers under PD 1986, including the implied power to issue such orders, were within their scope for regulation and supervision of TV programs.

2. ****Due Process and Equal Protection:****

The Court found no violation of due process. Soriano was given a hearing before the

preventive suspension order was issued. Concerning equal protection, Soriano was not similarly situated as the INC ministers he compared himself to, as no complaints or similar use of language were proven against them.

3. **Freedom of Religion, Speech, and Expression:**

The Court ruled that Soriano's utterances were not protected religious speech. They were found to be profane and obscene, particularly since aired on a "G" rated program accessible to children, and therefore, fell outside constitutional protection. The decision emphasized the state's compelling interest to protect children's welfare and distinguishable content limitations applicable to broadcast media for such purposes.

4. **Constitutionality of Section 3(c) PD 1986:**

The Supreme Court upheld the constitutionality of Section 3(c), noting that implied powers granted to MTRCB by PD 1986, including creating the rules and penalties for its violations, did not constitute an undue delegation of legislative power.

Doctrine:

- **Preventive Suspension by Regulatory Agencies:** The statutory authority must be liberally construed to include preventive suspension necessary for investigatory and disciplinary purposes, even if not explicitly stated in the statute.
- **Unprotected Speech in Broadcast Media:** Obscenity and similarly harmful speech via broadcast media are not protected under the freedom of speech and can be subject to government regulation to protect minors and public morals.
- **Constitutional Protection of Speech Limits:** Even expressions that criticize or are profane are protected, but their context, particularly in media accessible to children, can render them unprotected.

Class Notes:

- **Elements to Consider in First Amendment Issues:**
 - Whether speech is content-based or content-neutral.
 - Government's burden to justify content-based restraint.
 - Context-specific limitations, particularly on broadcast media.
 - Definitions and boundaries of unprotected speech (e.g., obscene, false advertisement).
- **Relevant Statute (PD 1986) and Sections:**
 - Sec. 3(c): MTRCB's power to classify and regulate TV programs based on standards.
 - Sec. 3(d): MTRCB's supervisory and regulatory authority.

- Sec. 3(k): General grant of necessary or incidental powers.

****Historical Background:****

The case unfolded against a backdrop of rivalry between religious groups in the Philippines, particularly involving Ang Dating Daan and Iglesia ni Cristo, often leading to heated exchanges proliferating on broadcast platforms. The MTRCB's actions underscore the tension between safeguarding constitutional freedoms and maintaining regulatory oversight on public broadcast standards. The case reflects the nuances in balancing free speech with societal norms and protective regulations, highlighting the evolving judicial interpretation in media law vis-à-vis fundamental rights.