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REVISED RULES FOR CLASSIFICATION OF TRAILERS AND PUBLICITY MATERIALS

MMDA MEMORANDUM CIRCULAR NO. 04-2014, June 18, 2014

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Adopted: 18 June 2014
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WHEREAS, the welfare of the children and the State's mandate by way of parens patriae to protect and care for them constitute a compelling and substantial government interest to regulate content of motion picture trailers as well as other promotional materials;

WHEREAS, there is a need to revisit the rules on the review and classification of publicity materials, most especially trailers exhibited in movie theaters, so that parents and other responsible adults are provided adequate information as to the kind of content children will see in such materials;

WHEREAS, the Filipino audience as well as significant sectors belonging to it, including but not limited to women, children, persons with disabilities (PWDs) and senior citizens are entitled to such media and entertainment that are not offensive or injurious to their dignity and welfare;

WHEREAS, while children and their parents as well as other responsible adults should be assured of age-appropriate and audience-sensitive trailers and other promotional materials, film producers and distributors must also be given reasonable opportunity to promote and market their film products consistent with the Movie and Television Review and Classification Board's (the "Board") legal mandate to assist in improving the viability of the film industry as a source of fueling the national economy;

WHEREAS, the rules on classification of movie and television content must always inspire public trust in the film classification system, and ensure that movie producers and distributors will always responsibly market their products to their intended audiences;

WHEREAS, theater owners and operators as well as television networks, stations and blocktimers (including cable and other pay television stations, operators, and programmers) must also do their share to ensure that ageappropriate and audience-sensitive motion picture trailers and other publicity materials are exhibited in their respective venues and media, as the case may be.

NOW, therefore, pursuant to Section 3 (a), (b), (c), (e), and (k) of Presidential Decree No. 1986, and such other applicable laws, rules, and regulations, the Board hereby promulgates the following rules and guidelines for the review and classification of the trailers shown in movie theaters and television, or both, as well as other publicity materials to ensure their suitability for their intended audience:

ARTICLE I
SCOPE OF APPLICATION

Section 1. Coverage. These Rules shall cover all publicity materials for motion pictures and television programs. For purposes of these Rules, "publicity materials" shall refer to any and all material/s intended to generate public

interest in, and promote the exhibition of, any motion picture or other feature, including but not limited to cinematographic trailers, whether for theatrical, television, and/or any other form or means of exhibition, print advertisements, still photos, photo frames, leaflets, press kits, outdoor or vehicle displays, posters and billboards, audio-visual and/or interactive boards, and other similar media and/or material.

Section 2. All publicity materials for motion pictures and television programs, shall comply with these Rules; otherwise, they shall not be publicly exhibited.

ARTICLE II
GUIDING PRINCIPLES

Section 1. Standard for Review and Classification. The Board shall determine the audience suitability of any and all publicity material/ s covered by these Rules according to the classifications under Article III hereof. The Board shall consider various factors including, but without limitation, the subject and content of the material and its over-all impact on the intended audience, with due regard for any literary, artistic, educational merit and other redeeming social value/ s, with due regard for the dignity of significant sectors such as but not limited to women, children, persons with disabilities (PWDs), and senior citizens, as well as the standards under Chapter IV, in relation to Chapter V, 2004 Implementing Rules and Regulations of P.D. No. 1986, as amended ("2004 IRR"), without prejudice to such other applicable laws, rules, regulations, circulars and guidelines.

Section 2. No Confusing Content. In no case shall any trailer or other publicity material contain any scene, information or material of any kind which could reasonably create confusion about the rating of the main feature being publicized or promoted.

ARTICLE III
REVIEW AND CLASSIFICATION OF TRAILERS FOR THEATRICAL
AND TELEVISION EXHIBITION

Section 1. Submission of Trailers for Theatrical and Television Exhibition. Any and all trailers for the promotion of motion pictures or of any similar cinematographic works shall be submitted to the Board for review and classification according to the procedure under Chapter VI, 2004 IRR. The producers or distributors of such trailers shall be responsible for ensuring that such materials comply with these Rules and such other conditions that may be required by the Board, including but without limitation, any written warnings and/or explanations for the protection and welfare of content-sensitive sectors such as, but not limited to, women, children, PWDs, and senior citizens, or those which address sensitivities with respect to race, creed, political belief, and such other similar factors.

Only such versions of trailers duly approved and passed by the Board shall be fit for public exhibition. The introduction of any change or revision to the trailer reviewed shall render the trailer, as changed or revised, as a whole new version requiring a new and independent application for review with the Board; provided that any trailer made subject to checking upon prior leave with the Review Committee under Chapter VI, in relation to Chapter V, 2004 IRR shall not be considered as a whole new version.

If the applicant does not agree with the classification given to the trailer as submitted, the former may submit the same for second review under Section 3, Chapter VI, 2004 IRR.

Section 2. Classification of Trailers for Theatrical Exhibition. All trailers intended solely for theatrical exhibition shall be classified as either GENERAL AUDIENCE ("G") or PARENTAL GUIDANCE ("PG"). In classifying trailers, and consistent with the guiding principles under Article II above, the Board shall consider the following factors: theme, violence, language, nudity, sex, horror, and drugs, without prejudice to such other factors or

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elements that it may deem appropriate to consider along the lines of age-appropriateness and audience-sensitivity. All trailers that do not fall within any of the said classifications shall not be approved for exhibition in any movie theater. All theater owners and operators shall require from film producers and distributors and such other entities desiring the theatrical exhibition of any trailer the prior presentation of the permit issued by the Board for such purpose. They shall also be responsible for compliance with the said permit including any conditions required by the proper Review Committee under Chapter VI, in relation to Chapter V, 2004 IRR, as well as with the provisions of these Rules.

Section 3. Theatrical Exhibition of Trailers. Trailers approved for theatrical exhibition shall include the Trailer Advisory, which must be displayed for at least three (3) seconds prior to the showing of the trailer.

The Trailer Advisory shall indicate that the trailer was rated “G” or “PG,” as the case may be, under which the corresponding color-coded prescribed advisory shall be shown with words indicating that the classification of the motion picture may differ from the classification of its trailer. The prescribed Trailer Advisory, according to classification and appearing in English or Filipino, without prejudice to such other language or dialect that the Board may hereafter prescribe, shall be as follows:

A. GENERAL AUDIENCE (“G”) (Please see image, NAR Vol. 25 No. 3, July to September 2014, p. 1720)

B. PARENTAL GUIDANCE (“PG”)(Please see image, NAR Vol. 25 No. 3, July to September 2014, pp. 1720 & 1721)

Trailers with a “G” rating may be shown prior to, or with, any motion picture, regardless of the latter’s rating. Trailers with a “PG” rating shall only be shown prior to, or with, motion pictures that have been classified as “PG,” “R-13,” “R-16,” and/or “R-18.”

Trailers with a “PG” rating shall not be shown prior to, or with, a motion picture with a “G” rating.

The above-mentioned limitations shall also apply to any such other teasers and announcements intended for theatrical exhibition.

Section 4. Trailers for Exhibition on Television. All trailers promoting the theatrical release of a motion picture to be shown on television must have a “G” rating.

ARTICLE IV
CLASSIFICATION OF OTHER PUBLICITY MATERIALS FOR EXHIBITION
ON TELEVISION

Section 1. Required Rating for Television. Any other publicity materials to be shown on television, including but not limited to plugs, messages and announcements, teasers, and other promotional devices and activities, must have a “G” rating.

ARTICLE V
CLASSIFICATION OF PRINT AND OTHER COLLATERAL MATERIALS

Section 1. All print and other collateral materials for the promotion of motion pictures and television programs (including, but not limited to, outdoor and vehicle displays, billboards, posters, flyers, newspaper and magazine advertisements and similar media) shall be made strictly suitable for only a GENERAL AUDIENCE (“G”) classification.

The approval and authentication of any such materials through the institution of an MTRCB seal of approval shall be subject to such rules and procedures as may be promulgated by the Board.

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Section 2. All publicity materials for motion pictures and television programs other than printed materials, and which are displayed near or about the cinema areas or in such other locations open to the general public, including, but without limitation, audio-visual and/or interactive billboards, monitors and such other devices, instruments and/or media, regardless of size and location, shall likewise be made strictly and only rated as being suitable for a GENERAL AUDIENCE ("G") classification. Print and other similar publicity materials that do not fall within the "G" classification shall not be approved for publication.

ARTICLE VI
ADMINISTRATIVE SANCTIONS

Section 1. Any violation of this Memorandum Circular shall be dealt with in accordance with the provisions of Section 11, P.D. 1986, and Chapter XIII, 2004 IRR, as well as the penalties outlined under Memorandum Circular No. 08-2012, without prejudice to such remedial measures that may be prescribed by the Board for the protection and welfare of the general public.

ARTICLE VII
REPEALING CLAUSE

Section 1. The provisions of the 2004 Implementing Rules and Regulations of P.D. No. 1986, as amended, and any and all previous circulars, rules, and regulations, and guidelines of the Board are hereby repealed, amended and/or modified accordingly only insofar as they may be inconsistent with these Rules.

ARTICLE VIII
SEPARABILITY CLAUSE

Section 1. If any provision of this Circular is declared invalid or unconstitutional, the unaffected sections or provisions thereof shall remain in full force and effect.

ARTICLE IX
EFFECTIVITY

Section 1. This Circular shall take effect after fifteen (15) days following its publication in a newspaper of general circulation and filing with the Office of the National Administrative Register in the University of the Philippines Law Center, as required under the Administrative Code of 1987.

APPROVED, by the Movie and Television Review and Classification Board, in a meeting called for the purpose, on 18 June 2014.

By Authority of the Board:

(SGD) EUGENIO H. VILLAREAL
Chairperson

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