MTRCB IMPLEMENTING RULES AND REGULATIONS, February 03, 1997

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Pursuant to Section 3(a) of Presidential Decree No. 1986, the Movie and Television Review and Classification Board (MTRCB), hereby enacts and promulgates the following Rules and Regulations:

CHAPTER I

DEFINITION OF TERMS

SECTION 1. Definition of Terms. — As used in these Rules and Regulations, the following terms shall mean:

a. BOARD — The Movie and Television Review and Classification Board (MTRCB) created under Presidential Decree No. 1986;

b. MOTION PICTURE — A series of pictures projected on a screen in rapid succession, with objects shown in successive positions slightly changed so as to produce the optical effect of a continuous picture in which the objects move whether the picture be black and white or colored, silent or with accompanying sound, on whatever medium with whatever mechanism or equipment they are projected or recorded for instant showing, for the purpose of these Rules, the material in which the motion picture is contained and preserved.

The term "film" as here used is synonymous with "motion picture".

c. TELEVISION BROADCAST — A public showing of images (video) and sounds (audio) via free television whether Very High Frequency (VHF) or Ultra High Frequency (UHF), to include cable television and other limited audience distribution.

d. THEATRICAL DISTRIBUTION — A public showing or exhibition of motion pictures in theaters, moviehouses, or any other places imposing admission fees to persons for entertainment, education, information and advertisement.

e. NON-THEATRICAL DISTRIBUTION — A public showing of full length or short feature motion pictures through the use of mobile or non-mobile projection equipment for which no admission fee is charged. This includes showing of full length and short feature motion pictures exclusively to civic organizations, societies, clubs and other similar groups including juvenile, educational, documentary, cultural, scientific, journalistic, industrial, sales, public relations and instructional films.

f. GENERAL VIEWING — This refers to motion pictures made available to the general public for viewing whether through film libraries or such similar organizations.

g. GENERAL PATRONAGE OR "G" — A classification of motion pictures, admission to which is open to the general public of all ages.

h. PARENTAL GUIDANCE OR "PG" — A classification of motion pictures whether shown in theaters and/or for television, cautioning parents on the delicate contents of the film and the need for parental guidance in its appreciation.

i. RESTRICTED OR "R" — A classification of motion pictures admission to which is limited to adults. Adults, for the purpose of these Rules, are persons eighteen (18) years of age or above.
j. NOT FOR PUBLIC VIEWING OR "X" — A classification of motion pictures disapproved by the Board for public viewing or for television broadcast.
k. TELEVISION PROGRAM — Any television program including live shows, product and/or service advertisements, dramas and/or motion pictures originally shown in theaters.
l. LIVE SHOW — Any television program which is telecast simultaneously as it is being performed. Pre-taped portions of these live shows shall not be classified as such.

m. NEWS — Refers to straight and objective news reporting as distinguished from news analyses, commentaries and opinions and editorials.

n. NEWS ANALYSES, COMMENTARIES, OPINIONS AND EDITORIALS — These refer to views which are subjective in nature, whether these are of the speaker's and/or the network's.

o. PROMOTIONAL MATERIAL — Any material used to generate public interest in or further the growth or development of something, e.g. television advertisement and commercials, movie and television trailers, advertisement copies, still photos, photo frames, leaflets, posters and billboards.
p. REVIEW — The process of previewing motion pictures, television programs and related publicity materials to determine whether, based on the standards set by law, are fit for importation, exportation, production, copying, distribution, sale, lease, exhibition or broadcast by television networks; and, to determine as to what classification the film may be shown.

CHAPTER II

GUIDING PRINCIPLES

SECTION 2. Guiding Principles. — The Board recognizes the important roles that motion pictures and television play in a society as entertainment and informative media. As such, the Board is aware of the State's concern in molding and influencing the moral values and character of the people.

The Board's task, therefore, as mandated by law, is to safeguard these values without negating the services that motion picture and television render to the community.
SECTION 3. General Disposition of Review Material. — No film or motion picture, television or promotional material intended for exhibition in moviehouses or theaters or on television shall be disapproved by reason of its topic, theme or subject matter, subject to Sections 6 and 7, Chapter III, but upon the merits of each material taken in its entire context and/or subtext.

CHAPTER III

SCOPE OF AUTHORITY TO REVIEW

SECTION 4. Matters Subject to Review. — All motion pictures, television programs, television commercials and other related promotional materials, as defined in Chapter I hereof, whether these be for theatrical or non-theatrical distribution, for television showing on both on free and cable television, whether imported or produced in the Philippines, whether they be for local viewing or for export, shall be subject to prior review by the Board before they are exported, imported, copied, distributed, sold, leased, exhibited in theaters or broadcast on television.
SECTION 5. Governing Standards. — The Board shall judge the motion pictures, television programs, television

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commercials and other related promotional materials submitted to it for review, applying as a general standard, contemporary Filipino cultural values.

SECTION 6. Authority of the Board. — The Board shall delete scenes and disapprove film prints which are immoral, indecent, contrary to law and good customs, those which are damaging to the prestige of the Republic of the Philippines and its people or its duly constituted authority, or those which have a dangerous tendency to encourage the commission of a crime, violence or of a wrong, such as but not limited to:

1. Those which tend to incite subversion, insurrection, rebellion or sedition against the State, or otherwise threaten its economic and/or political stability;

2. Those which tend to undermine the faith and confidence of the people in their government and/or the duly constituted authority;

3. Those which glorify criminals or condone crimes;

4. Those which tend to encourage and/or abet traffic in and use of prohibited drugs;

5. Those which serve no other purpose other than to satisfy the market for violence, lust or pornography;

6. Those which are libelous or defamatory to the good name and reputation of any person, whether living or dead;

7. Those which may constitute "contempt of court" or contempt of any quasi-judicial tribunal or those that pertain to matters which are sub-judice in nature; and,

8. Those which clearly constitute a malicious attack against any race, or against various sectors of the community like women, youth, cultural communities, the handicapped, and urban poor sectors;
SECTION 7. Pornographic Material and Violence. —

a) PORNOGRAPHIC MATERIAL AND/OR SCENES NOT SUITED FOR PUBLIC EXHIBITION — A film print and/or material shall be considered pornographic should the same, in the Board's exercise of the utmost consideration and evaluation, applying contemporary Filipino cultural values as standard, be objectionable for being immoral, indecent, contrary to law and/or good customs, or if the dominant theme of the material taken as a whole appeals to prurient interest.

For this purpose, the following scenes shall be considered immoral and indecent:

> 1) All explicit sexual acts, actual or simulated, such as but not limited to, sexual intercourse, masturbation, mashing, licking and fondling of sex organs;
>
> 2) Lewd frontal nudity and/or exhibition of private parts, such as but not limited to, female breasts exposure and pubic hair exposure (naked or thru seethrough clothing, such as, lace bikinis, wet t-shirts and transparent negligee);
>
> 3) All sexual pumping scenes and movements, whether the subjects are clothed or unclothed;
>
> 4) Sexual exploitation and abuse of children, such as, pedophilia and acts of incest;
>
> 5) Perverted sexual acts, such as, homosexual and lesbian sexual acts, sodomy, necrophilia and "zooerastia".
>
> 6) Deliberate panning of the camera to achieve a lewd and malicious close-up of sexual parts.

b) VIOLENT SCENES NOT SUITED FOR PUBLIC EXHIBITION — Any excessive, unmitigated, brutal, distorted, irrational, ignominious, exploitative depiction of any act inflicting injury to a human being shall, for this purpose, be considered violent scenes not suitable for public exhibition.

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Violent scenes as defined herein shall also refer to gory and bloody scenes that may tend to disturb the finer sensibilities of both adults and children.

CHAPTER IV

GUIDELINES ON MOVIE, TELEVISION AND TRAILER CLASSIFICATION

SECTION 8. Movie Classifications and Guidelines. — Movie Classifications are: "GENERAL PATRONAGE" (GP); "PARENTAL GUIDANCE 7" (PG-7); "PARENTAL GUIDANCE 13" (PG-13); FOR ADULTS ONLY; and, "NOT FOR PUBLIC VIEWING" (X).

A. GENERAL PATRONAGE (GP) — Movies classified General Patronage are for all ages. These films shall not, whether in theme and language, depict nudity, contain sex or violent scenes, which would be offensive to parents whose minor children are to view the film.

Film prints classified "General Patronage" shall be guided under the following criteria:

1. THEME — The theme shall be wholesome, reinforcing positive values.

2. LANGUAGE — Obscene, profane or blasphemous language and cuss words shall not be allowed.
3. NUDITY AND SEX — Scenes of nudity and sex shall not be allowed.
4. VIOLENCE — Depiction of violence and the use of threatening language, weapons and special effects shall not tend to cause alarm, distress or stress and/or anxiety to children. Suicide or euthanasia scenes shall not be allowed.
5. DRUGS — No drug and/or alcohol use shall be allowed.

B. PARENTAL GUIDANCE 7 — For ages 7 and above, provided that the child between the ages of 7 and 12 shall be accompanied by a responsible adult. Films classified "PG-7" shall be guided under the following criteria:

1. LANGUAGE — Obscene and profane language shall not be allowed. Language beyond polite conversation may be allowed provided they are common everyday expressions.
2. NUDITY AND SEX — Discreet indications or references to sensuality in the context of a normal and healthy family life may be allowed.
3. VIOLENCE — Inexplicit forms of violence may be allowed if appropriate to the storyline. Only discreet reference to suicide or euthanasia may be allowed.
4. DRUGS — No depiction of actual intake or use of prohibited drugs or other illegal substance or alcohol nor the pleasurable effects thereof shall be allowed.

C. "PARENTAL GUIDANCE 13" (PG-13) — For ages 13 and above. Films classified PARENTAL GUIDANCE 13 "PG-13" shall be guided under the following criteria:

1. LANGUAGE — Use of intermittent cuss words but not in a sexual context shall be allowed. Obscene and profane language shall not be allowed.
2. NUDITY AND SEX — Some nudity that is relevant to the storyline but not sensually oriented shall be allowed. Portrayal of nudity shall be inexplicit and may only be allowed when the story line or program context so necessitates (i.e. portrayal of ethnic culture)

3. VIOLENCE — Depiction of violence shall be inexplicit and appropriate to the storyline and thematic content. Suicide scenes shall not be explicit.
4. DRUGS — No depiction of actual intake or use of prohibited drugs or other illegal substance nor the pleasurable effects thereof shall be allowed. In all instances, the depiction of drug use shall carry a redeeming value.

D. FOR ADULTS ONLY "R-18" — For persons 18 years of age and above. Films classified "R-18" shall be herein guided accordingly:

1. LANGUAGE — Obscene language may be allowed but not consistently prevalent.
2. NUDITY AND SEX — Brief nudity with sensual scenes may be allowed if relevant to the storyline. Explicit sex scenes shall not be allowed.
3. VIOLENCE — No excessive violence nor explicit scenes of suicide shall be allowed.
4. DRUGS — Inexplicit use of the actual intake and preparation thereof, as well as the pleasures that are shown to be derived therefrom, may be shown only insofar as they are relevant to the thematic content or storyline of the movie.

E. NOT FOR PUBLIC VIEWING "X" — Films classified "X" are films that are immoral, indecent, contrary to law and/or good customs and/to the best interest of the public in general, or any other legitimate public interest, such as, but not limited to those stated in Sections 6 and 7 of Chapter III hereof.

SECTION 9. Television Classifications and Guidelines. — Television Classifications are "CHILDREN" (C); "GENERAL" (G); or "PARENTAL GUIDANCE" (PG).
A. CHILDREN "C" CLASSIFICATION — A program classified "C" shall not contain any material not suitable for children. Programs that fall under the "C" classification are shows which promote wholesome positive values that enhance the child's formative growth and development. The program shall not contain any scene portraying violence, sex and nudity, profane or obscene language.
B. GENERAL "G" CLASSIFICATION — A program classified "G" shall not contain any material not suitable for children to watch without the guidance and supervision of a responsible adult. The following criteria shall be observed:

1. VIOLENCE — Depiction of violence and the use of threatening language, weapons and special effects shall not tend to cause alarm, distress or stress and/or anxiety to children.
2. SEX AND NUDITY — Scenes of sex and nudity shall not be allowed.
3. LANGUAGE — Mild and spontaneous expletives like "ulol", "gago", "tarantado", "sirang-ulo", "walang-hiya" or words of the same meaning or usage in other Filipino dialects or double entendre may only be used infrequently and under exceptional circumstances and when absolutely justified by the storyline or program context. No obscene language and cuss words like "shit", " fuck", "leche", " putang-ina", animal and "coño" and other similarly objectionable words shall be allowed.

4. DRUGS — No depiction of actual intake or usage of prohibited drugs or other illegal substances shall be allowed. Use of regulated drugs must be depicted with care.

5. No depiction or even reference to scenes prohibited under Sections 6 and 7 of Chapter III, hereof.

C. PARENTAL GUIDANCE "PG" CLASSIFICATION — A program classified "PG" may contain adult themes or concepts, but must remain suitable for children to watch under the guidance and supervision of a parent or responsible adult. The following criteria shall be observed.

1. VIOLENCE — Any violence depicted must be inexplicit, and appropriate to the storyline or program context. No graphic, bloody or horrifying depictions of violence are permitted.

2. SEX AND NUDITY — Portrayal of nudity shall be inexplicit and may only be allowed when the story line or program context so necessitates (i.e. portrayal of ethnic culture).
3. LANGUAGE — Language which are offensive may only be used under exceptional circumstances when absolutely necessary to the story line or program context, and only infrequently. Obscene and profane language and cuss words like "shit", "fuck" "leche", " putang-ina" and "coño" and other similarly objectionable words shall not be allowed.

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4. DRUGS — The actual intake of illegal drugs, as well as the preparation thereof and the pleasures derived therefrom, shall not be shown. Use of regulated drugs must be depicted with care:

5. SUICIDE — The depiction of suicide or attempted suicide shall be merely established and inexplicit, and shall not be depicted as the means of achieving a desired result, or as a remedy to stress, anxiety, depression or other problems.
6. THEME — Themes dealing with relevant moral and/or social issues shall be allowed provided they are factual, objective and balanced, and shall not detail scenes which may seriously distress or offend viewers.

SECTION 10. Guidelines for Movie Theater and Television Trailers. — Movie theater and television trailers are seen by a wide variety of audiences, including the impressionable minors. Thus, the utmost care and concern shall be exercised in the approval of trailers. Only trailers which are within the criteria and/or guidelines for "General Patronage" shall be approved. The following guidelines shall be strictly observed for movie theaters and television trailers:

1. When violence is absolutely necessary to the storyline, it shall only be established, and in all cases interspersed with non-violent scenes, to include, titles, dialogues, credits, etc. with the primary objective of reducing the overall impact of violence.

2. Excessive violence, such as but not limited to, close-up shooting, stabbing, explicit torture scenes, hostage scenes with firearms or knives threatening the victim, suicide acts such as slashing of wrists, putting and/or pointing a gun to the temple or inside the mouth and karate chops resulting in blood oozing out of any part of the body, breaking of bones, blasting scenes with bodies being mangled, mutilated or blown-off shall not be allowed. Random shooting shall be briefly established. The impact of falling bodies shall not be shown.

3. Trailers which, although not showing the abovementioned scenes shall not be allowed if the trailers show an overall impact of violence.

4. For full-length trailers, only FIVE (5) blasting and shooting scenes for war movies; and, THREE (3) blasting and shooting scenes for non-war movies shall be allowed. For short trailers, THREE (3) blasting and shooting scenes for war movies; and, TWO (2) blasting and shooting scenes for non-war movies shall be allowed. In all cases, the blasting and shooting scenes shall be interspersed with non-violent scenes.

5. Explicit scenes depicting exploitation and abuse of minors, women and the elderly shall not be allowed.

6. Depiction of drug-taking and drug trafficking shall not be allowed.

7. Explicit and/or suggestive sex scenes, such as but not limited to, pumping sexual act, frontal nudity, breast exposure, including see thru clothing showing the private parts, torrid kissing, fondling of the body and sexual aberrations, and those mentioned in Section 7 of Chapter III hereof, shall not be allowed.

8. Obscene and profane language, cuss words like "shit", "fuck", "leche", "putang ina" and "coño" and other similarly objectionable words and double entendre words with vulgar or sexual connotations shall not be allowed. Other words like "ulol" "gago", "tarantado", "sirang-ulo", "walang-hiya" and the like shall be allowed when used in the proper context and with utmost restraint.

9. Commercial advertisements and trailers which are improper for children under eighteen years of age due to their advocating or unduly suggesting violence, vices, crimes and immorality, shall not be shown in any movie theater where the main feature is for general patronage nor shall they be used or shown during or immediately before and after any television or radio program for children.

CHAPTER V

APPLICATION AND ISSUANCE OF PERMITS

SECTION 11. Who May Apply. — Any natural or juridical person authorized by law may apply for permit to import, export, produce, copy, distribute, sell, lease, publicly exhibit or broadcast by television, any motion picture, television program, television commercials or other related promotional materials, with respect to which use or appropriation he has by law, the corresponding right.

SECTION 12. Form and Requirements of Permit Application. — The application shall be in writing and in the form prescribed by the Board. It shall state, among other things, the kind of permit applied for, the name and address of the applicant, the title under which he holds the motion picture, television program, television commercial or related promotional material submitted, the film title, the nature of its content (whether comedy, action, romance, sex, commercial, etc.), a description of the quantity and physical characteristics of the film, program or material submitted. The application shall be under oath and accompanied by the following documents:

1. A sworn statement by the producer or in case of imported films, by the importer or distributor declaring the exact number of prints of the picture, or material produced or imported;

2. A sworn certification, in case of locally produced films, by the film studio or laboratory, stating the exact number of film prints and footage it has processed and their footage and an undertaking not to process further copies without clearance by the Board;

3. The documents mentioned in Chapter IX in cases of importation or exportation of promotional materials; and,

4. Such other documents as the Board may from time to time require.

SECTION 13. Application Fee. — No application shall be acted upon by the Board unless the applicant has fully paid the application fee in the amount to be prescribed by the Board.

SECTION 14. Application Period/Late Filing Fee. — The application together with the film prints shall be submitted to the Board at least TEN (10) working days before the applicant's playdate as stated in the application. The applicant shall pay a late filing fee in the amount to be prescribed by the Board for failure to comply with the TEN (10) days prior submission of the application and the film prints.

SECTION 15. Non-Action on Application. — The Board shall not act upon any application and/or conduct a review of any material and/or film print within FORTY-EIGHT (48) hours from its submission.

SECTION 16. Titles and Promotional Materials. — Titles and promotional materials shall be presented at least TEN (10) DAYS prior to the applicant's playdate and shall be acted upon on the basis of the synopsis of the film print and/or material and to its suitability for publication in print, moviehouses, television, billboard and sign media. In no case shall obscene, violent or suggestive titles and/or double entendre be allowed. Change of title of old or reissued films shall not be allowed. Old films shall carry their original title retained both in the feature print and all advertising, promotional, publicity and merchandising materials with the word "REISSUE" printed in bold letters under the original title, unless a change of title is required by the Board.

SECTION 17. Approval of Print and Sign Advertisements. — Application for permit to use print and sign advertisement related to motion pictures, such as, advertisement copies, still photos (8" x 10"), photoframes, leaflets, posters and billboards, layouts shall be decided by the Chairman of the Board or Vice-Chairman or referred for action to a Three (3) Board Member Committee designated by the Chairman. In the absence of both the Chairman and the Vice-Chairman, the Executive Director shall handle the task of routing these movie promotional materials to three (3) Board Members to secure their approval. The decision rendered by the Chairman of the Board shall be deemed final.

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SECTION 18. Notice of Approval, Conspicuous Display of Rating/Classification. — The Board's notice of approval, rating and/or classification of a film print shall be announced and/or exhibited on the projector screen immediately preceding the showing/exhibition of said film print, and, shall be conspicuously and legibly displayed on newspaper advertisements and other promotional materials.

SECTION 19. Live Television Programs and Talk Shows. — Live television programs shall be taped on air (TOA) and shall be submitted to the Board for review within FORTY EIGHT (48) HOURS from its telecast. Live television talk shows and noontime variety shows shall have a PARENTAL GUIDANCE "PG" format. Officers and/or owners of the television networks and production companies broadcasting said live shows shall be held responsible for any breach or violation of any existing pertinent law arising from or by reason of the telecast of such live presentations.

SECTION 20. Exempted Films. — Upon application and for good and legitimate cause, the Board may grant exemptions from the requirements of prior review. This exemption shall only be applicable to bona fide educational, documentary, cultural, public service, and instructional films locally produced or imported. The owners/producers of said movies and officers and owners of said television networks and studios shall be held responsible for any breach and/or violation of any existing pertinent law, Presidential Decree No. 1986 and these implementing rules and regulations. The exemption is revocable.

SECTION 21. Deletion and/or Cuts. — Deletions and/or "cuts" made shall be executed on ALL positive prints of the film print and shall be deposited with the Board.

CHAPTER VI

PROCEDURE ON REVIEW

SECTION 22. Designation of Reviewers. — The Chairman of the Board or, thru a committee of at least THREE (3) Board Members present or, as the exigencies of the situation dictate, shall designate the members of the review committees.

No Board Member shall be designated member of a review committee wherein said Board Member has, or whose relative within the third civil degree of consanguinity, participated whether as producer, director, actor, scriptwriter, etc., in the production of the particular motion picture, television program, television commercial, or other related production, which is the subject of the committee review.

No Board Member shall be designated member of a review committee to review materials of a television network wherein said Board Member, or whose relative within the third civil degree of consanguinity, is an officer of said television network.

SECTION 23. Committee on First Review. —

a. The Committee on First Review shall be composed of at least THREE (3) board members, the chairman of which shall be designated by the Chairman of the Board;

b. The decision of the Committee on First Review shall be rendered by a majority vote within TEN (10) DAYS from receipt of the application and film print;

c. In the event of diverse decisions, the Chairman of the Board shall designate TWO (2) additional committee members in order to reach a majority decision;

d. In case of disapproval, the applicant may file a Motion For Reconsideration within FIVE (5) DAYS from notice of the decision;

e. An applicant desiring a change in the classification rating granted his film may file a Motion For

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Reclassification within FIVE (5) DAYS from notice of the decision. The decision of the Second Review shall prevail over the first classification;

f. The decision including the dissenting opinion, if any, shall immediately be submitted to the Chairman of the Board for transmission to the applicant.

SECTION 24. Committee on Second Review. —

a. Upon receipt of the Motion For Reconsideration or Motion For Reclassification, the Chairman of the Board shall designate a Committee on Second Review composed of FIVE (5) board members to conduct a second review of the subject film print or material. ONE (1) member from the Committee on First Review may be required to review with the Committee on Second Review as an observer and/or consultant;

b. The Committee on Second Review shall be presided by the Chairman of the Board or the Vice-Chairman or a Board Member designated by the Chairman of the Board;

c. The decision of the Committee on Second Review shall be rendered by a majority vote within FIVE (5) DAYS from receipt of the Motion For Reconsideration;

d. The decision, including the dissenting opinion, if any, shall be immediately submitted to the Chairman of the Board for transmittal to the applicant.

SECTION 25. Committee Review Deemed Terminated. — A committee review shall be deemed terminated only after the committee has rendered a decision in writing with notice to the applicant.

SECTION 26. Decision. — Every decision of the Board shall be in writing stating the reasons or grounds therefor. A decision disapproving a material shall indicate whether the material is disapproved in its entirety or by reason of a particular scene or scenes.

SECTION 27. Final Decisions. — The decision of the Committee on Second Review on the rating, classification or disapproval of a film print on the ground of specific objectionable scene/s under Section 4, Chapter III hereof shall be FINAL.

SECTION 28. Custody of Disapproved Film Prints. — The film prints, as disapproved, shall remain in the custody of the Board for proper disposition.

CHAPTER VII

APPEAL

SECTION 29. Appealable Decisions. — The applicant may appeal only decisions of the Committee on Second Review disapproving or prohibiting a motion picture or television program in its entirety under Section 6, Chapter III hereof, to the President of the Philippines, who may himself decide the appeal, or be assisted by either an ad hoc committee he may create or by the Appeals Committee.

SECTION 30. Appeal, How Perfected. — An appeal shall be perfected within FIFTEEN (15) DAYS from notice of the decision by filing with the Board a notice of appeal and payment of the appeal docket fee.

SECTION 31. Transmittal of Film Prints and/or Records. — Upon perfection of the appeal, the Board shall send notice to the Office of the President of said appeal and transmit the film prints and/or records subject of the appeal to the Office of the President.

SECTION 32. Appeals Committee. — The Appeals Committee shall be composed of a Chairman and four (4) members to be appointed by the President of the Philippines, which shall submit its recommendation to the President. The Office of the Presidential Assistant for Legal Affairs shall serve as the Secretariat of the Appeals Committee. The decision of the President of the Philippines on the appealed matter shall be final.

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CHAPTER VIII

PERMIT HOLDERS

SECTION 33. Restriction in the Use of Permit. — Permit holders shall use such permit only for the purpose or purposes stated therein. He shall preserve the integrity of the motion picture, television program or related publicity material in the conditions they were approved, guarding against insertions of a disapproved matter.
SECTION 34. Duties of Permit Holders. — Moviehouses, and television network owners and their managers, as well as the operators of cinema and cable television shall have the following duties and responsibilities:

a. Only television programs, television commercials, advertisements and other related promotional materials approved and classified by the Board as suitable for general patronage or parental guidance may be broadcast. "Parental Guidance" shall be superimposed on programs classified as such;

b. In the case of motion pictures, a classification advisory of the Board shall precede the showing of all movies. A copy of the "Permit to Exhibit" shall be publicly posted on the ticket booth while the "Board Classification" shall be prominently displayed on a three (3) feet high standee in the lobby of the theater. In case two (2) films are presented as double features, the more restrictive classification shall govern the announcement and admission into the theater. Only the Board's classification shall be displayed on said standee;

c. Permit-holders shall immediately report to the Board any noticeable insertions or additions that are patently objectionable on the basis of the existing guidelines for review provided for in Chapters III and IV; and,

d. Persons not qualified under the following Board classification shall not be allowed entry. Owners and operators of moviehouses shall strictly adhere to the following classifications:

1. (RESTRICTED — 18) For adults only, to mean for persons EIGHTEEN (18) YEARS AND ABOVE;

2. "PG-13" — (PARENTAL GUIDANCE — 13) For persons THIRTEEN (13) YEARS AND ABOVE;

3. "'PG-7" — (PARENTAL GUIDANCE — 7) For persons SEVEN (7) YEARS AND ABOVE ACCOMPANIED BY AN ADULT; and,

4. (GENERAL) FOR ALL AGES.

CHAPTER IX

IMPORT AND EXPORT OF FILMS

SECTION 35. Import of Films. — Imported motion pictures, television programs or related promotional materials shall not be released from the Bureau of Customs without the required permit issued by the Board. Such permit shall be issued upon proper application, payment of fees and submission of documents indicating the title and nature, the quantity, the physical description, and the imported films country of origin.
SECTION 36. Disposition of Imported Films Determined to be not Suitable for Public Exhibition. — In case the motion pictures, television programs and related promotional materials are declared, NOT SUITABLE FOR PUBLIC EXHIBITION in the Philippines, the same shall be ordered returned to the country of origin within THIRTY (30) DAYS from receipt by the importer of a copy of the Board's final decision. A true copy of the Board's decision shall be forwarded to the Commissioner of Internal Revenue and the Collector of Customs. The importer shall submit to the Board proof of compliance within TEN (10) DAYS from the expiration of the THIRTY (30) DAYS period.

SECTION 37. Export of Films. — No motion picture, television program or related promotional material may be exported outside the Philippines without a permit to export issued by the Board. Such permit shall be issued upon proper application, payment of fees, and submission of documents indicating the title and nature, the quantity, the physical description and the country of destination. Whenever a version different from that previously approved by the Board for local exhibition is to be exported, a separate review in accordance herewith shall be undertaken.

CHAPTER XREGISTRATION OF PERSONS UNDER THE BOARD'S JURISDICTION

SECTION 38. Registration. — All persons and entities authorized by law engaged in the movie and television industry, to include: Importers, Exporters, Film Studios or Laboratories, Television Networks, Cable Television Operators, Movie Producers, Television Program Producers, Television Commercial Studios, Distributors or Booking Agents, Theaters or Moviehouses and Foreign Film Producers, or activities falling under the supervision and regulation of the Board as provided in Section 3(d) of Presidential Decree 1986 shall register with the Board.

The aforecited activities shall include the following:

Importation, exportation, production, copying, distribution, sale, lease, exhibition, and/or television broadcast of all motion pictures, television programs, television commercials and other promotional materials shall register with the Board.

SECTION 39. Application for Registration. — Persons required to register with the Board shall accomplish the prescribed form, submit true copies of documents attesting to the authority to do business in the Philippines, and pay the registration fee fixed by the Board. A CERTIFICATE OF REGISTRATION shall be issued by the Board accordingly.

SECTION 40. Effectivity of Registration. — The CERTIFICATE OF REGISTRATION issued by the Board shall be effective for ONE (1) YEAR, renewable every year, unless earlier cancelled by the Board for cause.

CHAPTER XI

BOARD REPRESENTATIVES

SECTION 41. Appointment. — Any Filipino citizen of legal age and of good community standing may, upon recommendation of a member of the Board, be appointed as Board Deputy to assist in overseeing the implementation of laws and rules relating to the public exhibition of motion pictures, television programs and promotional materials falling within the jurisdiction of the Board. The person so appointed shall not be entitled to compensation and his appointment is revocable.

SECTION 42. Scope of Duties and Authority. — A Board Deputy, when issued a valid appointment and identification card, shall have the authority to inspect all public exhibition of any motion picture or promotional material in moviehouses, theaters and other public establishments and may demand the production of the appropriate permit for such exhibition. Upon discovery of any violation, he shall immediately report such violation to the Board. The Board representative may be accompanied by another person who shall act as witness. The Deputy shall be accountable to the Board and shall be obliged to give a report of his activities to the Chairman.

CHAPTER XII

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NATIONAL AND LOCAL REGULATORY COUNCIL

SECTION 43. National Regulatory Council. — The Board may constitute and organize a National Regulatory Council for Motion Pictures and Television, to be headed by the Chairman, the composition of which shall be drawn and designated from appropriate government agencies, from associations belonging to the movie and television industry, and from civic or religious organizations. The Council shall advise the Board on problems relevant to the implementation of the objectives of Presidential Decree 1986 and its implementing rules and regulations. They shall serve without compensation and for such period of time as the Chairman of the Board shall determine.

SECTION 44. Local Regulatory Council. — The Board may also constitute and organize Local Regulatory Councils in every province, city or municipality in the Philippines whose head and members it may designate from local government agencies, from local associations belonging to the movie and television industries and from local civic or religious organizations. Such Local Regulatory Councils shall assist the Board in the implementation of Presidential Decree 1986 and Implementing Rules and Regulations. They shall serve without compensation and for such period of time as the Chairman of the Board shall determine.

CHAPTER XIII

VIOLATIONS AND ADMINISTRATIVE SANCTIONS

SECTION 45. Offenses and Administrative Sanctions. — Without prejudice to the institution of appropriate criminal action, any violation of Presidential Decree 1986 and the implementing Rules and Regulations governing motion pictures, television programs, and related promotional materials shall be administratively penalized with suspension or cancellation of permits and/or licenses issued by the Board and/or the imposition of other administrative penalty/penalties.
SECTION 46. Hearing and Adjudication. —

a) Any administrative complaint for violation of Presidential Decree 1986 and its implementing Rules and Regulations shall be initially heard by the Chairman of the Board. If the alleged offender admits the charges, then the Chairman shall impose the appropriate penalty. If the alleged offender does not so admit, then the Chairman shall refer the case to the Hearing and Adjudication Committee composed of at least THREE (3) BOARD MEMBERS designated by the Chairman. At least one of the Hearing and Adjudication Committee members shall be a member of the Philippine Bar. In case of finding of guilt, the Committee shall impose the appropriate penalty. The technical rules on procedures and evidence shall be suppletory. The Decision of the Chairman of the Board or the Committee shall be final.

b) The Chairman of the Board may, in the public interest and on finding of probable cause order the preventive seizure of offending motion pictures and related promotional materials, and/or suspension of the permit or permits involved, and/or closure of the erring moviehouse or television network or establishment. The Chairman of the Board may also order the temporary dismantling or tearing down of public signs and billboards that are in violation of law and these Rules. The temporary orders thus issued shall not exceed more than twenty (20) days from the date of Issuance.

CHAPTER XIV

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OTHER PROVISIONS

SECTION 47. Repeal. — Any prior rule, regulation, circular, or order that is inconsistent with the above provisions shall be deemed amended, modified or repealed.

SECTION 48. Effectivity. — These Rules and Regulations of the Board shall become effective FIFTEEN (15) DAYS after publication in TWO (2) NEWSPAPERS of general circulation in the Philippines.

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