

AMENDING EXECUTIVE ORDER NO. 868 WHICH REORGANIZED THE BOARD OF REVIEW FOR MOTION PICTURES AND TELEVISION

EXECUTIVE ORDER NO. 876, February 18, 1983

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WHEREAS, Executive Order No. 868 reorganized the Board of Review for Motion Pictures and Television, and expanded its powers and functions as well as its field of supervision and regulation to include, among others, live entertainment, video tapes and similar media;

WHEREAS, in view of the representations of certain sectors of the motion picture and television industries, and the difficulty of implementing the original intent of Executive Order No. 868, there is a need to limit the scope of the powers and functions of the Board;

WHEREAS, industries related to motion picture and television shall be accordingly attended to either by a separate Executive Order or by a Batas Pambansa;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution and by Presidential Decree No. 1416, as amended by Presidential Decree No. 1772, do hereby order:

SECTION 1. Section 1 of Executive Order No. 868 is hereby amended to read as follows:

“SECTION 1. There is hereby created an office to be known as the Board of Review for Motion Pictures and Television, hereinafter referred to as the BOARD, which shall have its principal office in Metro Manila, and which shall be under the Office of the President of the Philippines.”

SEC. 2. Section 2 of Executive Order No. 868 is hereby amended to read as follows:

“SEC. 2. The BOARD shall be composed of a Chairman, two (2) Vice-Chairmen and thirty-two (32) members, who shall all be appointed by the President of the Philippines. The Chairman, the Vice-Chairmen, and the members of the BOARD, shall hold office for a term of four (4) years, unless sooner removed by the President for any cause; PROVIDED, That they shall be eligible for reappointment after the expiration of their respective terms.

“The Vice-Chairmen and the members first appointed shall hold office as follows: one Vice-Chairman shall hold office for two (2) years, and the other Vice-Chairman for four (4) years; and eight members shall hold office for one (1) year, eight members for two (2) years, eight members for three (3) years, and the other eight members for four (4) years, from the date they respectively assumed office. Thereafter, the term of office of the Vice-Chairmen and the members shall all be four (4) years. If the Chairman or any of the Vice-Chairmen or members fails to complete his term, any person appointed to fill the vacancy shall serve only for the unexpired portion of the term of the BOARD member whom he succeeds.

“No person shall be appointed to the BOARD, unless he is a natural-born citizen of the Philippines, not less than thirty (30) years of age, of good moral character and standing in the community, and not directly or indirectly engaged in or connected with the motion picture, television or any other similar industry; PROVIDED, That in the

selection of the members of the Board, due consideration shall be given to such qualifications as would produce a multisectoral combination of expertise in the various areas of motion picture and television review.

“The Chairman shall be entitled to transportation, representation and other allowances which shall in no case exceed SIX THOUSAND PESOS (P6,000.00) per month. The Vice-Chairmen and all other members shall be entitled to honoraria, transportation, representation and other allowances to be determined by the BOARD, subject to the approval of the Office of the Budget and Management.”

SEC. 3. Section 3 of Executive Order No. 868 is hereby amended to read as follows:

“SEC. 3. The Board shall have the following functions, powers and duties:

“(a) To promulgate such rules and regulations as are necessary or proper for the implementation of Republic Act No. 3060, as amended, and the accomplishment of its purposes and objectives. Such rules and regulations shall take effect fifteen (15) days following their publication in newspapers of general circulation in the Philippines.

“(b) To screen, review and examine all motion pictures as herein defined, including publicity materials such as advertisements, trailers and stills, whether such motion pictures and publicity materials be for theatrical or non-theatrical viewing, for television broadcast or for general viewing, imported or produced in the Philippines, and in the latter case, whether they be for local viewing or for export;

“(c) To approve or disapprove, delete objectionable portions from, and/or prohibit the importation, expropriation, production, copying, distribution, sale, lease, exhibition and/or television broadcast of the motion pictures and publicity materials subject of the preceding paragraph, which, in the judgment of the BOARD applying contemporary Filipino cultural values as standard, are objectionable for being immoral, indecent, contrary to law and/or good customs, injurious to the prestige of the Republic of the Philippines or its people, or with a dangerous tendency to encourage the commission of violence or of a wrong or crime, such as but not limited to:

“(i) Those which tend to incite subversion, insurrection or rebellion against the State;

“(ii) Those which tend to undermine the faith and confidence of the people in their government and/or the duly constituted authorities;

“(iii) Those which glorify criminals or condone crimes;

“(iv) Those which serve no other purpose but to satisfy the market for violence or pornography;

“(v) Those which offend any race or religion; and

“(vi) Those which tend to abet the traffic in and use of prohibited drugs.

“(d) To supervise, regulate, and grant, deny or cancel, permits for the importation, exportation, production, copying, distribution, sale, lease, exhibition, and/or television broadcast of all motion pictures and publicity materials, to the end that no such pictures and materials as are determined by the BOARD to be objectionable in accordance with paragraph (c) hereof shall be imported, exported, produced, copied, distributed, sold, leased, exhibited and/or broadcast by television. Towards this end, no foreign individual, corporation or group, whether singly or in joint venture with another local and/or foreign individual, corporation or group, may produce in whole or in part any motion picture, television program or publicity material in the Philippines, without first obtaining the necessary permit from the BOARD upon proof that the proposed picture, program or material is not objectionable in accordance with paragraph (c) hereof;

“(e) To classify motion pictures, television programs and similar shows into categories such as “For General Patronage”, “For Adults Only”, or such other categories as the BOARD may determine for the public interest;

“(f) To regulate, supervise, and grant, deny or cancel, permits for the operation of cinema houses, theaters, and other establishments engaged in the public exhibition of motion pictures;

“(g) To levy, assess and collect, and periodically adjust and revise the rates of, fees, and charges for the work of review and examination and not the issuance of the licenses and permits which the BOARD is authorized to grant in the exercise of its powers and functions and in the performance of its duties and responsibilities;

“(h) To deputize representatives from the government and private sectors whose main duties shall be to help ensure compliance with all laws relative to the importation, exportation, distribution, sale, lease, exhibition and/or television broadcast of motion pictures, television programs and publicity materials. The BOARD may also call on any law-enforcement agency for assistance in the implementation and enforcement of its decisions, orders or awards;

“(i) To cause the prosecution, on behalf of the People of the Philippines, of violators of this Act, of anti-trust, obscenity and other laws pertinent to the movie and/or television industries;

“(j) To prescribe the internal and operational procedures for the exercise of its powers and functions as well as the performance of its duties and responsibilities, including the creation and vesting of authority upon sub-committees of the BOARD for the work of review and other related matters; and

“(k) To exercise such other powers and functions as may be necessary or incidental to the attainment of the purposes and objectives of this Act, and to perform such other related duties and responsibilities as may be directed by the President of the Philippines.”

SEC. 4. Section 10 of Executive Order No. 868 is hereby amended to read as follows:

“SEC. 10. For purposes of this Act, the following terms shall mean:

“(1) Motion Picture – A series of pictures projected on a screen in a 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 and with whatever mechanism or equipment they are projected, and in whatever material they are preserved or recorded for instant projection, including films, reels, cassettes and discs. For the purpose of this Act, the material in which the motion picture is contained, preserved, or recorded, forms an integral and inseparable part of the motion picture subject of this Act.

“(2) Television Broadcast – Public showing by transmitting sound or images by television or similar equipment, including cable television, and other limited audience distribution.

“(3) General Viewing – Making motion pictures available to the general public for its viewing through convenient film packs, cassettes, discs or similar materials sold, leased or lent in commercial outlets, public lending clubs, and similar organizations.

“(4) Non-Theatrical Distribution:

“(a) Public showing of long and short motion pictures through the use of mobile projection equipment not imposing admission fee.

“(b) Showing of long or short motion pictures to organizations, societies, clubs, groups, etc. such as films for children, educational, documentary, cultural, scientific, newsreel, industrial, sales, public relations, and instructional films.

“(c) Theatrical Distribution – Public showing and/or exhibition in any cinema or theater or in any other place of

motion pictures imposing admission fees in persons for entertainment, education, information and advertising.

“(d) An Adult – is any person eighteen (18) years of age or over.

“(e) Review Session – shall mean the review and examination of motion pictures, television programs and similar shows, or publicity materials, by the BOARD.”

SEC. 5. Section 13 of Executive Order No. 868 is hereby amended to read as follows:

“SEC. 13. In addition to its powers vested by law, and for the effective enforcement of the provisions of this Act, the BOARD or its duly authorized representatives shall have the power to inspect all public exhibitions of any motion picture or publicity material in cinema houses, theaters and other public establishments, and in any case, upon discovery of any motion picture or publicity material which, although previously approved by the BOARD, has been tampered with no introduce any unapproved matter, to immediately seize such unapproved matter and to cause the prosecution of the person(s) responsible for the violation of this Act and/or the Revised Penal Code, as amended.

“Upon conviction of the violator(s), the materials seized as well as the other proceeds or instruments of the crime shall be disposed in accordance with the Revised Penal Code, as amended.”

SEC. 6. This Executive Order shall take effect after fifteen (15) days following its publication in newspapers of general circulation in the Philippines.

Done in the City of Manila, this 18th day of February, in the year of Our Lord, nineteen hundred and eighty-three.

(SGD.) FERDINAND E. MARCOS

President of the Philippines

By the President:

(SGD.) JUAN C. TUVERA

Presidential Executive Assistant

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