

AMENDING CERTAIN SECTIONS OF PRESIDENTIAL DECREE NO. 49.

PRESIDENTIAL DECREE NO. 1988, October 05, 1985

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WHEREAS, piracy and counterfeiting of audio and audio-visual products have become rampant, resulting in serious financial prejudice to the film and recording industries, and the loss of substantial tax revenues to the Government ;

WHEREAS, it is imperative for the survival and protection of the film and recording industries that certain provisions of Presidential Decree No. 49, otherwise known as "Decree on Intellectual Property," be amended for the purpose of lengthening the period within which a producer of a sound recording must deposit two copies thereof with the National Library, and prescribing stiffer penalties for piracy of sound recordings and motion pictures or other audio-visual works;

WHEREAS, the current crisis in the movie industry amounts to a grave emergency affecting the economic stability of the nation and the livelihood of hundreds of thousands of families and workers dependent on the industry;

WHEREAS, the issuance of this Decree will help in the national economic recovery program designed to meet the emergency facing the industry;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree:

SECTION 1. Section 50 of Presidential Decree No. 49 is hereby amended to read as follows:

"SEC. 50. Within six (6) months after its manufacture, two copies of a sound recording shall be deposited, by personal deliver}- or by mail, with the National Library. Upon such deposit, the Director shall issue to the producer a certificate under the seal of the library indicating the fact and date of such deposit. This certificate shall constitute a prima facie evidence of the facts stated therein."

SEC. 2. Section 56 of Presidential Decree No. 49 is hereby amended to read as follows:

SEC. 56. The prohibition and penalties provided in Section 29 shall apply to infringement of any of the rights granted in this Chapter; Provided, however, That the mandatory penalty of imprisonment of not less than three (3) months and one (1) day to not more than one (1) year, plus a fine of not less than Ninety Thousand Pesos but not more than One Hundred Thousand Pesos, shall be imposed upon any person who shall:

- Transfer or cause to be transferred, directly or indirectly, any sound recording or motion picture, or other audio-visual work that has been recorded on a phonograph record, disc, wire, tape, film or other article on which sounds, motion pictures, or other audio-visual works are recorded, with intent to sell, lease, publicly exhibit or cause to be sold, leased or publicly exhibited, or to use or cause to be used for profit, such article on which sounds, motion pictures, or other audio-visual works are so transferred, without the written consent of the owner or his assignee; or
- Sell, lease, distribute, circulate, publicly exhibit, or offer for sale, lease, distribution, or possess for the purpose

of sale, lease, distribution, circulation or public exhibition, any such article to which the sounds, motion pictures or audio-visual recordings thereon have been so transferred, without the written consent of the owner or his assignee; or

- Offer or make available for a fee, rental or any other form of compensation, directly or indirectly, any equipment, machinery, paraphernalia or any material with the knowledge that such equipment, machinery, paraphernalia or material will be used by another to reproduce, without the consent of the owner, any phonograph record, disc, wire, tape, film or other article on which sounds, motion pictures, or other audio-visual recordings may be transferred;

For purposes of this Act, public exhibition shall cover any exhibition wherein fifteen (15) or more persons are present, for monetary or promotional considerations. Private clubs are likewise herein included."

SEC. 3. All laws, decrees, executive orders, rules, regulations, and other enactments, or parts thereof, inconsistent with the provisions of this Decree, are hereby repealed, amended or modified accordingly.

SEC. 4. This Decree shall take effect after fifteen (15) days following its publication in the Official Gazette.

DONE in the City of Manila, this 5th day of October, in the year of Our Lord, nineteen hundred and eighty-five

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Executive Assistant

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