RULES OF PROCEDURE

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Pursuant to Section 3(a) and 3(j) of Presidential Decree No. 1986 and Sections 39 and 40 of the 1998 Implementing Rules and Regulations, the following Rules governing the conduct of hearings for violations of said Decree and Implementing Rules and Regulations before the Movie and Television Review and Classification Board, hereinafter called the Board, are hereby adopted and promulgated.

RULE I
Title

SECTION 1. Title — These rules shall be known as the Rules of Procedure of the Board.

RULE II
Coverage

SECTION 1. Coverage — These rules shall govern hearings on any administrative complaint filed with the Board for violation of P.D. No. 1986 and its implementing Rules and Regulations.

RULE III
Construction and Implementation

SECTION 1. Construction — These rules shall be liberally construed in order to effectively attain the objectives and purposes of P.D. No. 1986 and its Implementing Rules and Regulations.

SECTION 2. Implementation — In implementing these rules, the Board shall observe proper flexibility and avoid undue technicality with the end in view of bringing forth the truth and meting out justice as fairly and expeditiously as possible.

RULE IV
Definition of Terms

SECTION 1. Terms defined — For purposes of these rules, the following terms shall mean:

1. Board — The Movie and Television Review and Classification Board, or the Chairman of the Board, or the Hearing and Adjudication Committee, acting for and in behalf of the Board.

2. Chairman — The Chairman of the Board, or in the Chairman's absence or incapacity, the Vice Chairman, or in the Vice-Chairman’s absence or incapacity, any Member of the Board designated to act for an in behalf of the Chairman.

3. Committee — The Hearing and Adjudication Committee as designated by the Chairman.

4. Complaint — A concise statement of the facts constituting the proponent's cause or causes of action, specifying the party or parties charged and the violations allegedly committed, and stating the name and residence of the complainant.

5. Answer — The pleading in which the defendant or other adverse party or parties sets forth the affirmative and negative defenses upon which he relies.

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6. Submission — The filing of pleadings, appearances, motions, notices, orders, or other papers with the Board as required, when such filing has been duly received by the Board's Legal Officer and the corresponding fees, if any, duly paid to and acknowledged by the Board.

RULE V
Parties

SECTION 1. Parties — Any person, natural or juridical, who has cause to complain about any violation of P.D. No. 1986 or its Implementing Rules and Regulations, may file a complaint with the Board against the person or establishment charged with such violation. The former shall be called the complainant, and the latter, the respondent.

SECTION 2. Appearances — In all proceedings of the Board, it is preferred that the parties be represented by respective counsel; provided, however, that a party may appear before the Board without the assistance of counsel if he so desires; and provided, further, that any confession or admission of guilt of a party made without the presence and assistance of counsel may not be used against such party in a criminal action, unless he has expressly waived, under oath, his right to counsel.

RULE VI
Commencement of Proceedings

SECTION 1. When proceedings deemed commenced — Proceedings before the Board are deemed commenced upon the filing of complaint.

SECTION 2. Pleadings — The complaint shall be in writing, verified, and signed by the complainant, and may be accompanied by supporting affidavit/s. No other pleading from the complainant subsequent thereto shall be accepted by the Board without proof of answer from the respondent, also in writing, and may also be accompanied by supporting affidavits, with a copy furnished to the complainant.

SECTION 3. Pleadings allowed — The Board shall only entertain a complaint and an answer and such other pleadings as the Board may required. Motion to dismiss, motion for bill of particulars or to make certain, motion for new trial or for reopening of trial, petition for relied from judgment, and dilatory motions for postponement shall not be allowed.

RULE VII
Summary Procedure

SECTION 1. Dismissal — The Board shall, motu propio, or at its own instance, dismiss the complaint if the same is patently without merit.

SECTION 2. Summons — If the complaint is prima facie meritorious, the Board shall cause the issuance of summons, accompanied by a copy of the complainant's affidavit and supporting affidavit/s, to the respondent, directing the latter to submit counter-affidavit, and supporting affidavit/s, if any, within seven (7) days from receipt of such summons and to affirm the same before the Board. No counter-affidavit shall be accepted for filing with the Board without proof of service thereof to the complainant or his counsel.

SECTION 3. Initial Hearing — Any administrative complaint for violation of Presidential Decree No. 1986 or its Implementing Rules and Regulations shall initially be heard by the Chairman. Should the Chairman find upon consideration of the affidavits and other evidences submitted by the parties that a decision may be rendered thereon without need of a formal hearing, the Chairman shall proceed to render a decision.

SECTION 4. Hearing and Adjudication Committee — In case the respondent or alleged offender does not admit

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guilt, the Chairman shall refer the case to a Hearing and Adjudication Committee. Should the Hearing and Adjudication Committee find upon consideration of the affidavits and other evidences submitted by the parties that a decision may be rendered thereon without need of a formal hearing, the Committee may proceed to render a decision. In cases where the Committee deems it necessary to clarify specific factual matters before a decision may be rendered, the case shall be set for hearing in accordance with Rule VIII.

SECTION 5. Failure to submit counter-affidavit — If the respondent fails to file his counter-affidavit and to appear as required, without valid reason, the Board upon motion of the complainant or motu propio shall consider the case submitted for resolution and/or decision.

SECTION 6. Conciliation or compromise agreement — At the initial hearing of the case, or even thereafter, the parties may enter into reconciliation or compromise settlement of violations administrative in character, subject to the approval of the Board.

SECTION 7. Failure to appear and affirm affidavit — Should the person who executed the affidavit fail to appear and affirm his affidavit when required by the Board, his affidavit shall not be considered as competent evidence.

RULE VIII
Hearings

SECTION 1. Who may conduct hearings — Hearings of the Board may be conducted by the Chairman, or, if the respondent or alleged offender does not admit guilt, by a Hearing and Adjudication Committee composed of at least three (3) Board Members designated by the Chairman, at least one of whom shall be a member of the Philippine Bar. Any hearing conducted by the Chairman or the Committee shall be deemed as a hearing before the Board.

SECTION 2. Place of Hearings — Hearings shall be held at the main office of the Board, but hearings may also be held at such other place as the Board may designate in the exercise of sound discretion.

SECTION 3. Witness may be submitted to cross-examination — The affidavits and counter-affidavits shall constitute the direct testimonies of the parties and witnesses who executed the same. The affiants/witnesses who testify may be asked clarificatory questions by the proponent and by the Board. Every party shall have the right to cross-examine witnesses presented against him and to submit rebuttal evidence.

SECTION 4. Rules of Procedure not strictly applicable — The Rules of Court and/or the Administrative Code shall not be strictly applied in hearings before or by authority of the Board; provided, however, that the Board may refer to such technical rules of procedure for guidance whenever necessary for the orderly and expeditious administration of justice.

SECTION 5. Rules of Evidence — Other than the affidavits submitted by the parties, the Board may admit and give probative value to evidence commonly accepted by reasonably prudent men in the conduct of their affairs.

Documentary evidence may be received in the form or copies or excerpts, if the original is not readily available. Upon request, the parties may be given opportunity to compare the copy with original. If the original is in the official custody of a public officer, a certified copy thereof may be accepted.

The Board may take notice of judicially cognizable facts of generally cognizable technical or scientific facts within its specialized knowledge. The parties shall be notified and afforded an opportunity to contest the facts so noticed.

SECTION 6. Subpoena — The Board may require the attendance of witnesses or the production of books, papers, documents and other pertinent data, upon request of any party before or during the hearing upon showing of

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general relevance.

SECTION 7. Preventive seizure, suspension, or closure — In the interest of the public and on finding of probable cause, the Chairman may order, pending hearing and final disposition of the case, the preventive seizure of offending motion pictures and related publicity materials, and/or suspension of the permit or permits involved, and/or closure of the erring moviehouse, television network, cable TV station or establishment. The Chairman may also order the temporary dismantling or tearing down of public signs and billboards that are in violation of Presidential Decree No. 1986 and its Implementing Rules and Regulations. Temporary orders thus issued shall not exceed more than twenty (20) days from the date of issuance.

RULE IX
Decision

SECTION 1. Decision — The decision of the Chairman, or of the Hearing and Adjudication Committee, shall be deemed as rendered by the Board. The decision shall be in writing and shall clearly and distinctly the facts of the case and basis for the decision. Each case shall be decided within thirty (30) days following the last submission required by the Board. The parties shall be notified of the decision personally or by registered mail addressed to their counsel of record, if any, or to their last known address.

SECTION 2. Dissent — Any member of the Hearing and Adjudication Committee may submit a dissenting opinion stating the reasons thereof, which shall be attached to the majority decision.

SECTION 3. Motion for reconsideration — The party adversely affected may file one motion for reconsideration of the decision within fifteen (15) days after receipt of the decision on the ground that the evidence is not sufficient to justify the decision, and/or that the decision contrary to the evidence or the law. The filing of a motion for reconsideration shall not stay the immediate execution of the decision but shall only suspend the running of the period for appeal. The remainder of such period shall begin to run from the date of receipt by the movant of the denial of the motion for reconsideration. Only one motion for reconsideration shall be allowed for any party.

RULE X
Appeal

SECTION 1. Period of appeal — A party adversely affected by the decision of the Board may appeal to the Office of the President within fifteen (15) days from official receipt of said decision, deducting the time during which a motion for reconsideration, if any, is pending.

SECTION 2. How taken — The appeal shall be in writing, filed directly with the Office of the President, and shall specifically set forth assignment of error/s with reasons, authorities, and precedents relied upon for reversal or modification of the appealed decision. Copies thereof shall be served upon the prevailing party and the Board.

SECTION 3. Effect of the Appeal — The appeal shall not stay the decision appealed from unless otherwise provided by law or these rules, or directed by the Office of the President.

RULE XI
Execution

SECTION 1. Execution upon decision — Execution shall issue after the decision of the Board has been served to the last known address of the losing party; provided, however, that execution pending appeal may be stayed upon filing of bond by the losing party in such reasonable amount as may be fixed by the Board and upon issuance of a status quo order by the Office of the President.

RULE XII
Fees

SECTION 1. Docketing and other fees — The Board shall not required any docketing fee for the filing of a complaint. However, the Board may reasonably require payment of fees for expenses related to the conduct of hearings of the case, such as but not limited to the following: photocopying expenses, recording and transcription of minutes, and the like.

RULE XIII
Other Provisions

SECTION 1. Supplementary Rules — The Board may from time to time issue such supplementary rules as it may deem fit and necessary.

SECTION 2. Amendment and Repeal — These Rules may also be amended or repealed by the Board during a regular meeting, or a special meeting called for the purpose.

SECTION 3. Effectivity — These Rules, or any subsequent amendment or repeal thereof, shall take effect after submission of a copy thereof in the U.P. Law Center and fifteen (15) days after publication in a newspaper of general circulation.

Adopted: 11 May 1999

(SGD.) ARMIDA P. E. SIGUION-REYNA
Chairman

Attested:

(SGD.) DENNIS N. MARASIGAN
Executive Director

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