

IMPLEMENTING RULES AND REGULATIONS 1998

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

Chapter I

Authority

SECTION 1. Scope of Authority — All motion pictures, television programs, and related publicity materials intended for public exhibition in theaters and television, whether imported or produced in the Philippines, in any case for local viewing or for export, shall be subjected to review for classification by the BOARD before they are exported, imported, copied, distributed, sold, leased, and exhibited.

No motion picture, television program, or publicity material intended for such exhibition shall be disapproved by reason of its topic, theme, or subject matter, subject to Section 201, "Offenses Against Decency and Good Customs", of the Revised Penal Code.

Chapter II

Statement of Intent

SECTION 2. Classification — The BOARD shall classify motion pictures, television programs, and related publicity materials submitted for review, applying, as a general standard, contemporary Filipino cultural values.

The classification system rests on the assumption of responsibility by parents. The BOARD renders the classification to offer parents advance information about a motion picture, television program, and related publicity material, in order for them to decide what they will allow their children to see.

The BOARD shall not classify movies, television programs, and related publicity materials on the basis of quality or lack of quality. That is a matter for film critics and the audience to decide.

The classification shall be based on the treatment of theme, violence, language, nudity, drug abuse, and other similar elements. In making the evaluation, the BOARD shall not look at pieces of film, television and related publicity materials in isolation, but shall consider the submitted material in its entirety. The BOARD shall base its decision on what is seen or heard on screen, not on what is imagined.

Chapter III

Movie, Television, and Trailer Classification

SECTION 3. Movie Classification — Movies shall be classified as: GENERAL AUDIENCE ("G"); PARENTAL GUIDANCE-13 ("PG-13"); STRICTLY FOR ADULTS ("R"); and "NOT FOR PUBLIC VIEWING" ("X").

a. GENERAL AUDIENCE ("G"), all ages admitted — A movie which, in the judgment of the BOARD, contains nothing that would be deemed offensive by parents whose young children were to view the material.

While some snippets of language may go beyond polite conversation, they should be common everyday

expressions. No stronger words are present in "G" films. Violence is at a minimum. There is no sexually oriented nudity. Any drug use content pushed the "G" film into a "PG-13" classification.

b. PARENTAL GUIDANCE-13 ("PG-13"), parents strongly cautioned — A movie which, in the judgment of the BOARD, goes beyond a "G" classification in theme, violence, nudity, sensuality, language, or other contents but does not quite fit in the "STRICTLY FOR ADULTS" ("R") rating.

A "PG-13" film may contain some material inappropriate for children below 13. Parents are strongly cautioned to give special attention to this film before allowing their minor children to view it. Children below 13 may view a "PG-13" film only if accompanied by a parent or an adult.

The "PG-13" classification will generally not allow considerable sex or violence. A film's single use of a harsh sexually derived word, though only as an expletive, may require the BOARD to issue the material a "PG-13" classification. Successive use of such expletives may lead the BOARD to issue the material an "R" classification, as may one of these words used in a sexual context.

"PG-13" places the principal responsibility on parents for their children's movie going. Its purpose is to give prescreening advance information or warnings, so that parents can form their own judgments. It is designed to make these parental decisions easier for films between "G" and "R".

c. STRICTLY FOR ADULTS ("R"), restricted to or patently for adults — A movie which, in the judgment of the Board, contains adult material, vulgar or profane language, considerable sex and violence, sexually oriented nudity, tolerant depiction of aberrational behavior, drug use, or a combination of all of the above.

No one below 18 shall be allowed to watch material with an "R" classification. The "R", however, does not mean the material is "obscene" or "pornographic". It is merely classified as such because most parents would consider the abovementioned adult elements off-limits for viewing by their children.

A motion picture classified "R" is automatically disqualified from exhibition on television, unless it has been made to fit into the standards of the "G" and "PG" classification for television.

d. NOT FOR PUBLIC VIEWING ("X") — A movie which, in the judgment of the Board, is contrary to law, public order, public safety, or any legitimate public interest.

The BOARD shall not mark such "X"-rated films as obscene, pornographic, or seditious. These are legal terms for courts to decide.

A motion picture classified "X" is likewise disqualified from exhibition on television, unless it has been made to fit into the standards of the "G" and "PG" classification for television.

The "X" classification is tantamount to a ban on a film's theatrical distribution. Before the BOARD issues an "X" classification, it must first clearly determine that:

- i. The average person, applying contemporary community standards, would find that the dominant theme or the work, taken as a whole, appeals to prurient interest and satisfies only the market for gratuitous sex and/or violence; or
- ii. The work depicts, in a patently lewd, offensive, or demeaning manner, excretory functions and sexual conduct such as ultimate sexual acts (normal or perverted, actual or stimulated), masturbation, and exhibition of the genitals; or
- iii. The work, taken as a whole and viewed within its context, manner or presentation, intention, and culture, lacks serious literary, artistic, political, or scientific value.

A motion picture that has been rated "X" may be exhibited in venues that do not fall under the jurisdiction of the MTRCB as provided by law. It is incumbent upon such venues to strictly observe non-admission of minors. These venues are not in any way compelled to exhibit such "X"-rated films, and may reject an "X"-rated film for exhibition.

SECTION 4. Television Classification — All television programs, motion pictures, and publicity materials broadcast on television are to be classified as: GENERAL AUDIENCE ("G") or PARENTAL GUIDANCE ("PG").

a. GENERAL AUDIENCE ("G"), suitable for all ages — Material for television which, in the judgment of the BOARD, does not contain anything unsuitable for children and minors, and may be watched without adult guidance and supervision.

b. PARENTAL GUIDANCE ("PG"), parental guidance suggested; some material may not be suitable for children. — Material for television which, in the judgment of the BOARD, may contain adult material but may be permissible for children to watch under the guidance and supervision of a parent or responsible adult.

The "PG" classification advises parents to exercise parental responsibility in their children's viewing of the program. An advisory to the effect that the program requires Parental Guidance shall be shown immediately before the opening credits of the particular television material classified as such. The phrase "PARENTAL GUIDANCE" shall be superimposed onscreen throughout the showing of the television material classified as such.

Sexually oriented nudity is not allowed. Neither is graphic violence. Strong language may be allowed only when used in the proper context.

Motion pictures rated "PG-13" for theatrical exhibition do not automatically get a "PG" classification for television.

c. DISAPPROVED FOR TELEVISION — Any television program, motion picture, or publicity material that does not conform to the "G" or "PG" classification.

SECTION 5. Movie and Television Trailers — Trailers and publicity materials for movies and television must strictly be made suitable for a GENERAL AUDIENCE ("G") classification.

Trailers or publicity materials for movies and television that do not fall within "G" classification shall not be approved for exhibition in movie houses or for broadcast on television.

CHAPTER IV

Application and Issuance of Permits

SECTION 6. Who May Apply — Any natural or juridical person authorized by law may apply for a permit to import, export, produce, copy, distribute, sell, lease, publicly exhibit, or broadcast by television, any motion picture, television program, or related publicity materials, with respect to which use or appropriation he has, by law, the corresponding right.

SECTION 7. Form and Requirement of Permit Application — The application shall be in writing and in the form prescribed by the BOARD. It shall state, among others, the kind of permit applied for, the applicant's name, address, and company position, and the title of the film, television program, or publicity material being submitted. The application shall be under oath, to be accompanied by the following documents:

a. A sworn statement by the producer or, in the case of imported films, by the importer or distributor declaring the

exact number of prints of the motion picture or material produced or imported.

b. In the case of locally produced films, a sworn certification by the film studio or laboratory stating the exact number of film prints and corresponding footage it has processed, and an undertaking not to process further copies without clearance by the BOARD.

c. In the case of imported or exported motion pictures and publicity materials, the documents mentioned in Chapter VIII, "Import and Export of Films."

d. Such other documents as the BOARD may from time to time require.

SECTION 8. Application Fee — No application for a permit shall be acted upon by the BOARD unless the applicant has fully paid the prescribed application fee.

Those with outstanding obligations with the BOARD shall likewise be made to settle said obligations before the BOARD acts upon the latest application.

SECTION 9. Period for Review and Classification — Film prints and tapes for television programs shall be submitted to the BOARD for classification on a "first come, first served" basis.

Fees prescribed by the BOARD for films, and for television programs on a per-episode basis, will be charged.

The BOARD must review and classify the motion picture, television program, or publicity material within a period of TEN (10) DAYS, which shall be counted from the date of receipt by the BOARD of an application for review and classification, together with the complete film prints, the tapes of television programs, or stills and other publicity materials to be reviewed.

In the case of a Second Review, the BOARD shall render its decision within FIVE (5) DAYS from the date of the receipt of the motion picture, television program, or publicity material for Reclassification and/or Reconsideration.

However, no special consideration will be made regardless of an applicant's playdate or date of broadcast. It is the applicant's duty to meet his deadlines, without prejudice to those who have submitted their respective applications, film prints, and tapes of television programs before him.

SECTION 10. Titles and Publicity Materials — Publicity materials shall be presented for review and approval together with a synopsis of the film or television program. Applicants are not required to submit the titles of their films, television programs, and publicity materials for prior approval. This is not in any way to be misconstrued as an automatic permit from the BOARD, since such titles and publicity materials must still necessarily fall within the standards of a GENERAL AUDIENCE ("G") classification.

This provision notwithstanding, the following titles shall not be allowed:

a. Direct representations of, or clear references to, sexual acts, masturbation, excretory functions, and the genitalia;

b. Those which, when intentionally mispronounced for promotional purposes, become direct representations of, or clear references to, sexual acts, masturbation, excretory functions, and the genitalia;

c. Those which, no matter how innocent in a particular Philippine dialect or in any other language but are, in the Filipino language, direct representations of, or clear references to, sexual acts, masturbation, excretory functions, and the genitalia; and

d. Those which are contrary to law, public order, public safety, or any legitimate public interest.

In the event the title or publicity material does not meet BOARD approval, the applicant undertakes additional expenses for a reshoot of optical titles and publicity materials.

Changing of titles of imported, old, or reissued motion pictures shall not be allowed, except when such titles fall under any of the abovementioned subsections (a), (b), (c), and (d). Old films shall carry their original title in the feature print and all advertising, publicity, and merchandising materials, with the word "REISSUE" prominently printed in bold letters under the original title.

Motion pictures on which voluntary deletions have been made shall not be advertised as "uncut" in all publicity materials. The BOARD shall not hesitate to impose sanctions on such deceptive advertising.

SECTION 11. Approval of Print and Sign Advertisements — All print and sign advertisements related to motion pictures, such as advertising copy, still photos for theater lobby display, photoframes, leaflets, poster layouts, and billboards shall be within the standards of a GENERAL AUDIENCE ("G") classification.

All advertising copies, still photos for theater lobby display, photoframes, leaflets, poster layouts, and billboards that do not meet a "G" classification cannot be exhibited in the print and sign media. Failure to do so shall result in the withholding or cancellation of the film's Exhibition Permit.

SECTION 12. Conspicuous Display of Classification — A copy of the Exhibition Permit shall be prominently posted at the ticket booth of all theaters where the motion picture is exhibited. In addition, the BOARD's classification of the motion picture shall be prominently displayed on a three (3) feet-high "standee" in the theater lobby. The classification shall likewise be announced in all of the film's print advertisements as soon as such classification is obtained. AEHTIC

SECTION 13. Television Programs — Observing the intention of PD 1986 as a prelude to the self-regulation, and taking note of Section 3 (b) of the same, which states the BOARD shall "screen, review and examine all motion pictures, television programs," the BOARD shall not review/classify television programs on a per-episode basis, but based on a sample episode submitted from a particular television program's output for the season.

a. **PRE-TAPED TELEVISION PROGRAMS** — After submitting a sample episode of a television program, the program producers shall be required to set aside a tape of each episode broadcast, to be made immediately available to the BOARD for spot-checking. The tapes submitted for spot-checking shall be kept by the BOARD for a period of one month from the date of broadcast. Tapes of programs identified by the BOARD to have consistently violated these Rules and Regulations shall be kept for a period of three months from the date of broadcast.

Programs previously classified for "GENERAL AUDIENCES (G)" or "PARENTAL GUIDANCE (PG)" shall be continuously monitored on the basis of the same classification. To avoid sanctions as provided for in Section 11 of PD 1986, television program producers shall, in case of any doubt regarding a particular program episode's classification, voluntarily submit said episode to the BOARD for proper review.

b. **LIVE TELEVISION PROGRAMS AND TALK SHOWS** — Live television talk shows and other live television programs such as noontime variety shows shall superimpose the phrase PARENTAL GUIDANCE onscreen throughout the showing to continuously remind parents to be on the alert because such programs may contain material that they may deem inappropriate for their children.

Officers and/or owners of television networks and production companies shall be held responsible for any breach or violation of pertinent laws arising from or by reason of the telecast of all their television programs.

The BOARD shall not hesitate to impose penalties and fines, cancel permits and licenses, and cause the

prosecution of all those found guilty of violating said pertinent laws.

SECTION 14. Exempted Films and Television Programs — No film or television program shall be granted exemption from classification for audience suitability.

SECTION 15. Deletions and/or Cuts — The BOARD shall not dictate to the applicant particular scenes, shots, or dialogue for deletion or cuts in order for applicant to avail himself of a desired classification. The applicant shall make it his responsibility to delete scenes, shots, or dialogue on his own to arrive at the classification he desires for his material, with such voluntary deletions to be noted down in the Exhibition Permit as a safeguard against illegal insertions.

After the deletions have been made, the applicant shall submit to the BOARD two (2) sets of all the deleted footage taken from the positive prints, in order for the BOARD to have proof on hand of such deletions.

CHAPTER V Procedure for Review and Classification of Film and Television

SECTION 16. Designation of Reviewers — The Chairman of the Board shall designate the members of the review sub-committees.

No Board Member shall be assigned to sit on a sub-committee to review and classify when said Board Member has in any way directly participated in the making of said movie or television program.

SECTION 17. Sub-Committee on First Review —

- a. The Sub-Committee on the First Review shall be composed of THREE (3) Board Members, who shall elect the sub-committee chairman from among themselves.
- b. The Sub-Committee on First Review does not give special consideration for an applicant on the basis of an impending film playdate/television broadcast, said film playdate/television broadcast being the applicant's responsibility.
- c. The decision of the Sub-Committee on First Review shall be rendered by a majority vote of the sub-committee members so designated and present within the day of the material's review.
- d. In no case shall the Sub-Committee on First Review arrive at a decision without giving the director, or the producer and/or his representative, a chance to present his case and/or defend his material.

SECTION 18. Sub-Committee on Second Review —

- a. The applicant may file a Motion for Reclassification and/or Reconsideration within FIVE (5) DAYS from notice of the decision, during which time the applicant may, on his own, and without suggestions from the sub-committee, delete scenes, shots, or lines or dialogue in order for his material to be approved, with such voluntary deletions to be noted down in the Exhibition Permit as a safeguard against illegal insertions.
- b. Upon receipt of the Motion for Reclassification or Motion for Reconsideration, the Chairman of the Board shall designate a Sub-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 Sub-Committee on First Review may be required to sit with the Sub-Committee on Second Review as an observer and/or consultant.
- c. The Sub-Committee on Second Review shall be presided over by the Chairman or the Vice-Chairman of the Board, or by a Board Member duly designated by the Chairman.
- d. The decision of the Sub-Committee on Second Review shall be rendered by a majority vote of the members so designated and present within the day of the material's review.

e. In no case shall the Sub-Committee on Second Review arrive at a decision without giving the director, or the producer and/or his representative, a chance to present his case and/or defend his material.

f. The decision of the Sub-Committee on Second Review shall prevail over that of the Sub-Committee on First Review.

g. The decision of the Sub-Committee on Second Review shall be final, with the exception of a decision disapproving or prohibiting a motion picture or television program in its entirety, which decision shall be appealable to the President of the Philippines. The President may himself decide the appeal, or be assisted either by an ad hoc committee he may create or by the Appeals Committee mandated by PD 1986.

SECTION 19. Termination of Committee Review — A committee review shall be deemed terminated only after the committee has rendered its decision in writing with notice to the applicant.

SECTION 20. Decisions — Decisions of the BOARD's First and Second Review Sub-Committees shall all be in writing, copies of which shall be made available to the applicant upon his request, and in no case to be denied him.

A decision disapproving a film must explain the disapproval in terms of the film's intention, context, manner of presentation, and culture.

A decision shall not, in any manner, imply or suggest specific deletions or cuts of scenes, shots, or dialogue for reclassification or reconsideration to be arrived at. The director/producer/distributor, given the right to inquire why and how a decision has been made, is allowed to re-edit his material without pressure from the BOARD, in order for him to obtain his preferred classification. But the voluntary deletions have to be noted down in the Exhibition Permit to safeguard against illegal insertions.

Distributors, as businessmen who are not part of the creative process, are advised to first consult with the director or producer before deleting or cutting scenes, shots, or dialogue from a film.

SECTION 21. Custody of Film Prints or Tapes of Television Programs — The film print or the tape of a television program in the process of review shall remain the property of the applicant or of the company he represents, regardless of its approval or disapproval.

CHAPTER VIAPPEAL

SECTION 22. Decisions Up for Appeal — The applicant may appeal decisions of the Sub-Committee on Second Review disapproving a motion picture or television program from exhibition in its entirety under Chapter III, Section 3, Subsection (d) hereof, to the President of the Philippines, who may himself decide the appeal, or be assisted either by an ad hoc committee he may create, or by the Appeals Committee specified in Section 4, Paragraph 5, of PD 1986.

SECTION 23. Making the Appeal — An appeal shall be made within FIFTEEN (15) DAYS from notice of the decision by the Sub-Committee on Second Review by filing a notice of appeal with the BOARD and by paying the appeal docket fee.

SECTION 24. Transmittal of Film Prints and/or Records — Upon perfection of the appeal, the BOARD shall send notice to the Office of the President regarding said appeal and shall facilitate the transmission of the film print, television program, and/or records pertinent to the appeal.

SECTION 25. Appeals Committee — The decision of the President of the Philippines through the Appeals Committee on the appealed matter shall be final.

CHAPTER VI PERMITS

SECTION 26. Restriction in the Use of the Permit to Exhibit — Permit holders shall use such permits only for the purpose or purposes therein stated. Permit holders shall preserve the integrity of the motion picture, television program, or related publicity material in the same condition it was approved, guarding against illegal insertions of material either previously disapproved or not submitted for review.

The BOARD shall not hesitate to impose penalties and fines, cancel permits and licenses, and cause the prosecution of all those found guilty of exhibiting materials and film prints without an Exhibition Permit. Tampering with the Exhibition Permit shall likewise be subject to penalties and fines.

SECTION 27. Duties and Holders of Permit to Exhibit — Movie houses, theaters, and television networks benefit financially from permits to exhibit and/or air their respective material. Owners of such movie houses, theaters, television networks, and their respective managers are therefore enjoined to take on the following duties and responsibilities.

- a. To ensure that the rules and regulations herein enumerated are followed and observed by their employees under risk of sanctions against the entire company;
- b. In the case of television, to create in-house network regulatory bodies to strictly ensure that programs fall into either a "G" or "PG" classification;
- c. In the case of movie houses, to come up with similar company-instituted safeguards against flagrant violation of the law, such as the immediate reporting to the BOARD of any noticeable insertions or additions that are patently objectionable on the basis of the existing guidelines for classification;
- d. To terminate, after due process, and to criminally prosecute employees involved in illegal insertions in a material up for screening/exhibition;
- e. In cases where motion pictures are presented as double features, to apply the more restrictive classification governing admission; and
- f. To comply strictly, at the risk of criminal prosecution and administrative penalty, with classification for audience suitability, by which absolutely no unaccompanied children below thirteen (13) are allowed into moviehouses and theaters showing films classified "PG-13", and absolutely no minors are allowed into moviehouses and theaters showing films classified "R" (STRICTLY FOR ADULTS).

SECTION 28. Length of Validity of Permit to Exhibit —

- a. FOR MOTION PICTURES — The validity of an Exhibition Permit given to motion pictures intended for theatrical release covers a period of five years, without further need for the applicant to pay application fees on a yearly basis. The said Exhibition Permit does not extend to television, which constantly requires that all materials for airing fit into only either the "G" or the "PG" classification.
- b. FOR TELEVISION PROGRAMS — A television program reviewed on the basis of a sample of its output for the season is given a broadcast permit for three months. The permit may be revoked at any time upon documented proof of violations of the "G" and "PG" classifications. Because these television programs shall be regularly monitored for spot-checking, fees for each airing will remain in place, on a Pay Before Broadcast (PBB) basis.

CHAPTER VIIIIMPORT AND EXPORT OF FILMS

SECTION 29. Import of Films — Upon advice of an applicant, the BOARD shall issue the permit required to release imported motion pictures, television programs, or related publicity materials from the Bureau of Customs. Such permit shall be issued upon proper application, payment of fees, and submission of documents prescribed by the BOARD.

The permit to release imported motion pictures, television programs, television commercials, or related publicity materials from the Bureau of Customs is not to be confused with the Exhibition Permit which comes only after said motion pictures, television programs, or related publicity materials have been reviewed and classified.

Applicants with previous accounts with the BOARD must first settle such accounts in order for them to get their respective permits.

SECTION 30. Disposition of Imported Films Determined to be Not Suitable for Public Exhibition — Motion pictures, television programs, and publicity materials declared NOT SUITABLE FOR PUBLIC EXHIBITION in the Philippines shall be ordered returned to the country of origin within THIRTY (30) DAYS from the Importer/Distributor's receipt of the BOARD's final decision. A true copy of the decision shall be forwarded to the Commissioner of Internal Revenue and the Collector of Customs. The Importer/Distributor shall submit to the BOARD proof of compliance within TEN (10) DAYS from the expiration of the THIRTY (30) DAY period.

SECTION 31. Export of Films — No motion picture, television program, or related publicity 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 the submission of documents prescribed by the BOARD. Whenever a version different from that previously approved by the BOARD for local exhibition is to be exported, a separate review may be undertaken but without prejudice to the issuance of the necessary export permit. Motion pictures, television programs, and/or publicity materials exhibited abroad fall under the inviting country's own rules and regulations governing the exhibition and/or airing of such.

CHAPTER IXREGISTRATION OF PERSONS UNDER THE BOARD'S JURISDICTION

SECTION 32. Registration — All persons and entities authorized by law to engage in the movie and television industry, to include Importers, Exporters, Film Studios or Laboratories, Television Networks, Local Cable Television Operators, Local and Foreign Movie Producers, Television Program Producers, Distributors or Booking Agents, Movie houses, and other activities falling under the supervision and regulation of the BOARD as provided in Section 3 (d) of PD 1986, shall register with the BOARD.

SECTION 33. Application for Registration — Persons required to register with the BOARD shall accomplish the prescribed forms, submit true copies of documents attesting to the authority to do business in the Philippines, and pay the registration fee fixed by the BOARD, after which a CERTIFICATE OF REGISTRATION is accordingly issued by the BOARD.

Certificates of Registration may not be issued to those who still have unsettled obligations with the BOARD.

SECTION 34. 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 XBOARD REPRESENTATIVES

SECTION 35. 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 publicity materials falling within the jurisdiction of the BOARD. The person so appointed shall not be entitled to compensation, and his appointment is revocable.

SECTION 36. 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 publicity material in movie houses, theaters, and other public establishments and may demand to see the actual 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 Board Deputy shall be accountable to the BOARD and shall be obliged to give a report of his activities to the Chairman.

CHAPTER XINATIONAL AND LOCAL REGULATORY COUNCILS

SECTION 37. 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 PD 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 38. Local Regulatory Council — The BOARD may also constitute and organize Local Regulatory Councils in every province, city or municipality in the Philippines, with officers and members designated from local government agencies, associations belonging to the movies and television industries, and civic or religious organizations. Such Local Regulatory Councils shall assist the BOARD in the implementation of PD 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.

CHAPTER XIIVIOLETIONS AND ADMINISTRATIVE SANCTIONS

SECTION 39. Offense and Administrative Sanctions — Without prejudice to the institution of appropriate criminal action, any violation of PD 1986 and its Implementing Rules and Regulations governing motion pictures, television programs, and related publicity materials shall be penalized with suspension or cancellation of permits and/or licenses issued by the BOARD and/or the imposition of other administrative penalty/penalties.

SECTION 40. Hearing and Adjudication —

a. Any administrative complaint for violation of PD 1986 and its Implementing Rules and Regulations shall initially be heard by the Chairman of the Board. If the alleged offender does not admit guilt, then the Chairman shall refer to the case to a Hearing and Adjudication Committee composed of at least THREE (3) Board Members designated by the Chairman. At least one of the members of the Hearing and Adjudication Committee shall be a member of the Philippine Bar.

Upon establishment of guilt, the Committee shall impose the appropriate penalty. In case the alleged offender is found guilty, technical rules on procedures and evidence shall be applied. The decision of the Chairman of the Board or of the Hearing and Adjudication Committee shall be final.

Upon termination of the work of the Hearing and Adjudication Committee, the case shall be elevated to the proper judicial body, without prejudice to administrative sanctions by the BOARD.

This subsection includes charges of corruption made by one Board Member against another, or similar charges made by an industry practitioner against a Board Member, and its reverse, whereby a Board Member holds proof an industry practitioner has offered a bribe in exchange for a favorable classification. Such charges and corresponding proof of innocence will be made public in order to assure the people of the transparency of conduct and behavior of Board Members.

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 publicity materials, and/or suspension of the permit or permits involved, and/or closure of the erring movie house 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 PD 1986 and these Implementing Rules and Regulations. Temporary orders thus issued shall not exceed more than TWENTY (20) DAYS from the date of issuance.

CHAPTER XIII OTHER PROVISIONS

SECTION 41. Repeal — Any prior rule, regulation, circular, or order that is inconsistent with the above provisions shall be deemed amended, modified, or repealed.

SECTION 42. 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.

Adopted: July 20, 1998

(SGD.) DENNIS N. MARASIGAN
Executive Director

(SGD.) ARMIDA SIGUION-REYNA
Chairman

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