# REVISED RULES AND REGULATIONS

*VRB, January 28, 1991*

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Pursuant to Section 3, paragraph 9, of Presidential Decree No. 1987, the Videogram Regulatory Board hereby enacts and promulgates the following Revised Rules and Regulations:

Chapter I
Definition of Terms

SECTION 1. Meaning of Terms – as used in these Rules and Regulations, the following terms shall mean:

- VRB or Board– the Videogram Regulatory Board created under Presidential Decree No. 1987.

- Videograms – video cassette tapes, discs, similar software, or any other technical variation thereof, containing pre-recorded visual images and sounds of any cinematographic art or work, performance, or event that can be reproduced on television screens and other projection equipment. Videograms, however, do not include video games and computer tapes, discs, and similar software and equipment used for games and amusement purposes which may require the active participation of the viewer.

- Cinematographic arts or works – artistic creations that employ 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.

- Rights – the consent, approval, or authority given by the producer, importer, licensee, or lessee of cinematographic art or work for the commercial exploitation of such art or work in videogram.

- Production – the act of business of filming on videograms, any cinematographic art or work, performance or event for public exhibition or home viewing.

- Reproduction – the act or business of film transferring, copying, duplicating, taping, or dubbing into videograms cinematographic art or work performance or event.

- Distribution – the act or business of commercial exploitation and disposition of any cinematographic art or work, performance or event through the medium of videogram, in a specific territory, of acquired videograms rights whether from local or foreign film owners. Distribution includes the act of importation or exportation of videograms.

- Dealership – the particular act or business of selling, or leasing of videograms in commercial quantities to retailers or retail outlets. Dealership includes the activity of servicing the taping of videograms for others.

- Retail – the act or business of selling, renting out, or disposing of videograms to the public.

- Public exhibition – the act or business of showing of cinematographic art or work performance or event in videograms thereof in public places such as theaters, moviehouses, restaurants, hotels, motels, barns, halls, lounges, plazas, disco houses, beerhouses, pubs, airlines, ships, and other similar places that are open to the general public and private places where the showing is for monetary or promotional considerations, or where

fifteen (15) or more persons are present.

- Disposition – the manner or method of exploitation of videograms forcommercial or promotional purpose, such as, distributing, producing,reproducing, marketing, selling, leasing, renting or public exhibition.

- Accreditation – the act of recognition given to field sales or rental representatives of distributors, reproducers, dealers, and retailers to sell or ent out videograms.

- Commercial license – the authority issued to video establishments registered by a person whether natural or juridical, to engage in the business or production, distribution, reproduction, selling, renting, or public exhibition of videograms. Selling or renting includes sales or leases either by a dealer or retailer.

- Commercial permit – the authority issued for the commercial reproduction, distribution, selling, renting or exhibition of videograms reviewed and as classified by the Board. Commercial licenses are issued to video establishments while commercial permits are given for the commercial or promotional exploitation of videograms.

- Review – the process conducted by the Board of examining the content of the videograms and determining whether, using the standards set by law, they are fit for reproduction, distribution, sale, rent, or public exhibition.

- General patronage or G – a classification rating for videograms that may be viewed by persons of all ages.

- Parental guidance or P – a classification rating for videograms cautioning parents on their contents and the need for parental counsel in their appreciation.

- Restricted or R – a classification rating for videograms that are fit for viewing only by adults. Adults, for the purpose of these Rules and Regulations are persons eighteen (18) years of older.

- X – a classification rating of videograms disapproved by the Board.

- Credits – this refers to the pre-dubbed audiovisual or opening and closing characters and letters identifying the classification rating of the videogram, accompanied by the VRB logo, placed before and after the videogram film.

- Rating labels – these are pre-printed markings indicating the classification rating for specific audiences together with the VRB logo and a numbered monitoring system.

Chapter II
Objectives of the Board

SECTION 4. Objectives – In discharging its duties, the Board shall be guided by the following objectives:

> a. To maintain videogram as a wholesome medium for entertainment, education, and information, protecting it from the inroads of obscenity, unjustified violence, and other materials that corrode the moral and social values of the community.
>
> b. To protect owners of cinematographic arts or works or their assignees and persons legitimately reproducing such works in videogram form against the evils of piracy.
>
> c. To promote, develop, and maintain a legitimate and viable videogram industry, and harness its potentials as a source of foreign exchange through, among others, the expert of cinematographic art or work.
>
> d. To promote and maintain a mutually beneficial relationship among cinematographic producers, owners or assignees, movie houses, and television operators, and those engaged in the business of disseminating videograms to the end that the need for wholesome entertainment, education, and information through the various media is served.


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e. To facilitate and ensure the collection by the government of the prescribed fees and charges from persons and establishments engaged in the videogram business, and

f. In general, to promote and protect the public welfare through the proper supervision and regulation of the videogram industry.

Chapter III
Registration and Commercial License

SECTION 3. Registration – All persons engaged in the videogram business of production, reproduction, importation, exportation, distribution, sale, rental, or public exhibition shall register with the Board.

An applicant engaged in one or more of the above mentioned business classifications and who conducts business in several locations shall separately register every business classification in each place of business[*]

SECTION 4. Application Fee – Persons applying for registration with the Board shall accomplish the prescribed form, submit proof of authority to do business in the Philippines and pay the corresponding registration fee fixed by the Board.

SECTION 5. Commercial License – Independent of the registration with the Board, no person may engage in the business of production, reproduction, importation, exportation, exhibition, distribution, sale, rental or public exhibition of videograms without a commercial license from the Board. The commercial license shall be issued to qualified persons registered with the Board upon payment of the license fee fixed by it and shall be valid for a period as determined by the Board.

SECTION 6. Surcharge – A surcharge shall be imposed on late registration or late renewal of commercial license.

SECTION 7. Lack of Registration or Commercial License – Video establishments operating without registration or commercial license shall be subject to appropriate administrative and criminal penalties.

SECTION 8. Limitation to Number and Location of Registrants and Licenses – In the interest of effective supervision and regulation, the Board may set a limit to the number and location of establishments in the videogram business.

Chapter IV
Rights Over Cinematographic Art or Work

SECTION 9. Reproduction of Cinematographic Art or Work – No person registered and permitted to engage in the Videogram industry may copy or reproduce any cinematographic art without the written consent or approval of the producer, importer or licensee of the cinematographic art to be copied or reproduced within a period of six (6) months after it is first released for theatrical exhibition, unless the producer, importer or licensee agrees to a shorter period.

SECTION 10. Sale, Lease or Disposition or Videograms – No videogram including, among others videotapes, discs, cassettes or any technical variation thereof, shall be sold, leased or otherwise disposed of unless first registered with the Board with the corresponding registration identification or seal in such form and manner as may be provided by the Board.

Chapter V
Review of Videogram Content

SECTION 11. Matter Subject to Review – All commercial videograms shall be subject to review by the Board before they are reproduced, distributed, sold, rented or publicly exhibited.


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SECTION 12. Standards for Review – The Board shall judge the content of a videogram submitted to it for review, using as standard contemporary Filipino cultural values, and disallowing that which is objectionable for being immoral, indecent, libelous, contrary to law or good customs, injurious to the prestige of the Republic of the Philippines and its people, or for having a dangerous tendency to encourage or fan hatred, the commission of violence or of a wrong or crime, such as but not limited to:

a. Those which tent to incite subversion, insurrection, rebellion or sedition against the State or otherwise threaten the economic and/or political stability of the State;

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

c. Those which glorify criminals or condone crimes;

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

e. Those which tend to abet the trafficking and use of prohibited drugs;

f. Those which may constitute contempt of court or of any quasi-tribunal, whether any litigation on the subject of the video is pending or not before such court or tribunal;

g. Those which clearly constitute an attack against any race, creed, or religion as distinguished from individual members thereof; and

h. Those which serve no other purpose but to satisfy the market for excessive violence or pornography.

Pornography as here used is synonymous with obscenity, the test of which is whether the material, in whole or in part, tends to weaken the moral fiber of the community, whether young or old, or tends to lead to anti-social or socially counter-productive behavior; when utterly bereft of redeeming social value, such as, but not limited to:

1. the depiction of sex without consent;

2. the depiction of sex with or among children under the age of twelve (12) years;

3. the depiction of sex with animals or zooerastia;

4. the depiction of satyriasis or nymphomania;

5. the depiction of anal intercourse, bondage, sadomasochism, and similar acts;

6. the depiction of sexual orgies like group sex or unabated sex;

7. the depiction of sexual licentiousness, libertinism or hedonism, or

8. the depiction even of normal copulation;

The test of unjustified or excessive violence is whether the material, in whole or in part, tends to lead the community, whether young or old, into violent anti-social or socially counter-productive behavior, or whether it is utterly bereft or redeeming social value, such as, but not limited to:

1. the depiction of violent individual or group oppression, or repression of the physically and socially weak;

2. the depiction of brutality;

3. the depiction of carnage, genocide, and similar acts;

4. the depiction of sado-masochism;

5. the depiction of violence in sex; and

6. the depiction of gory and visceral results or aftermath of violence.

In the determination of whether or not a film tends to weaken the moral fiber or to induce anti-social or socially counter-productive behavior the primary concern is not the theme or plot, but the express or implied message which the scene, action or dialogue thereof conveys.

The test in each case is the impact of the entire film, rather than of its isolated portions on the average person in the community, in the light of present-day standards of morality and sound behavior.

SECTION 13. Who May Apply for Review – Any duly registered and licensed video producer or distributor may apply for the review and the issuance of a permit to distribute, sell, rent, or publicly exhibit a particular videogram. For the purpose of these Rules the applicant must present the necessary document evidencing the right to use and dispose of it for the reasons applied for.

SECTION 14. Form and Requirements of Application – The application for review and permit 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 name of the owner or license of the videogram rights, the name of the person or establishment from which such rights have been acquired, the title and kind (e.g. comedy, action, romance, sex, documentary, etc.) of the videogram, and the audience classification desired by the applicant. The application shall be under oath and accompanied by such documents as the Board may require.

SECTION 15. Fees – No application for review of videograms shall be acted upon unless the applicant has fully paid the fees fixed by the Board for that purpose.

SECTION 16. Review and Classification –

- Review committee – a proper application having been filed, the Chairman of the Board shall, as the exigencies of the service may warrant, designate one (1) Board member or any VRB official who shall review the videogram, subject to expansion to three (3) reviewers in case the applicant requests for a reconsideration.[*]

- Classification Rating – The Board, through its Committees, shall not order deletions or erasures in the videograms but shall merely give them the appropriate audience classification in accordance with the law and these Rules. Videograms that are disapproved shall bear the “X” classification and those that are approved, the G, P, or R classification. Films that have been previously approved for exhibition by the Movie and Television Review and Classification Board may, if exactly reproduced on videograms, be given the same classifications by the Board without the need for another review.

- Decision – The decision of the Committee shall be put in writing, stating in case of disapproval of the film or denial of the audience classification desired or both, the reason or reasons for such disapproval or denial and the classification considered by the Committee as appropriate for the videogram. A Committee member dissenting from the majority opinion may state the reason of his dissent in writing.

- Notification and reconsideration – The Committee, having reviewed the videogram, the applicant or his representative shall be notified of the result of the deliberation. The applicant may request for a reconsideration either for a less restrictive audience rating or approval of the desired classification rating by instituting revisions in the film at his own initiative.

- Appeal – The applicant, either two (2) disapprovals, may request an en-banc screening of the videogram applied for. The decision of the Board sitting en-banc shall be final.


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Chapter VI
Issuance of Commercial Permit, Rating Labels and Credits

SECTION 17. Issuance of Commercial Permit – The videogram having been approved and classified, the Board shall issue a commercial permit for the purpose applied for and require the appropriate labels and credits of approval and classification to be placed in the film and on the casing.

SECTION 18. Rating Labels and Credits –

a. Only videograms approved and classified by the Board may be commercially reproduced for distribution, sale, rental, or public exhibition, but all products of reproduction shall bear the identical labels and credits placed by the Board on the master copy.

b. The labels and credits placed on the approved videograms shall contain the logo or insignia of the Board and the title and classification of their contents. All such labels and credits shall be uniform and shall be exclusively issued and made available by the Board to duly-licensed reproducers or duplicators after payment of the corresponding fees fixed by it.

Chapter VII
Duties of Video Producers, Distributors, Reproducers, Dealers, Retailers and Video Exhibitors

SECTION 19. Duties of Persons Engaged in Videogram Business –

- All persons registered and licensed by the Board shall reproduce, distribute, sell, rent or publicly exhibit only such videograms as have been approved and classified by, and labeled and dubbed under the supervision of the Board.

- All video establishments must do business only with the licensed producers, distributors, reproducers, dealers, retailers, and exhibitors, and their accredited field sales or rental representatives, if any.

- They should inform the Board of changes of addresses, business names, ownership, and other pertinent data.

- Field sales or rental representatives of video establishments, if any, must be duly accredited by the Board.

- Other duties:

1. Producers and Reproducers:

a. Producers or reproducers who are also engaged in the business of marketing or acquiring videogram rights must be registered with and licensed by the Board as distributor.

b. Producers or reproducers who are engaged in the business of selling, leasing, or servicing the taping of videograms or any technical variation thereof in large quantities to retail outlets must be registered with and licensed by the Board as dealers: provided that they are not yet registered with the licensed by the Board as distributors;

2. Retailers and Dealers

a. Retailers shall segregate their videograms, when put on display in the outlet, according to audience classifications given such videograms;

b. Retailers shall refuse the sale or rental of videograms bearing the R classification to persons under eighteen (18) years of age and videograms thirteen (13) years of age;

c. Retailers and dealers shall take care that whenever videograms are projected for preview on television and other screens within outlets, only the age groups qualified to view such videograms are given viewing access.


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d. Dealers shall only accept erased or blank tapes for retaping or re-dubbing and removed of their labels, if any. *

For the purpose of the implementation of these Rules, the presence in video establishments of all unreviewed, unclassified, unlabelled or mislabeled videograms, or videograms which are undubbed or improperly dubbed with the appropriate VRB credits shall constitute prima facie proof of illegal commerce in such videograms.

3. Video Exhibitors:

a. The video exhibitors shall refuse the entry of person under eighteen (18) years of age when exhibiting videograms classified by the Board as Restricted (R), and of persons under thirteen (13) years of age when exhibiting videograms classified by the Board as Parental Guidance (P).

b. The video exhibitor shall be liable for the exhibition of videograms whose film contents are immoral, indecent, obscene or unjustifiably violent.

Chapter VIII
Inspection of Business Premises

SECTION 20. Authority to Inspect – In the exercise of its regulatory and supervisory powers, the Board or its duly authorized representative shall be allowed free and unhindered entry into the business premises of all producers, reproducers, distributors, dealers, retailers, and public exhibitors of videograms, in order to inspect such videograms and to determine compliance with P.D. 1987 and these Rules.

Chapter IX
Violations and Penalties

SECTION 21. Violations – Violations are classified as follows:

- Grave Violations:

1. Commercially producing and reproducing, selling, renting, distributing, disposing of, or publicly exhibiting videograms without registering with the Board and obtaining a license to engage in such business;

2. Commercially possessing, reproducing, selling, renting, distributing, disposing of, or publicly exhibiting videograms without authority from the owner or assignee of the cinematographic art;

3. Commercially possessing, reproducing, selling, renting, distributing, disposing of, or publicly exhibiting videograms included in the prohibited or warning list issued by the Board from time to time;

4. Commercially possessing, producing, reproducing, selling, renting, distributing, disposing of, or publicly exhibiting videograms of hardcore pornography;

5. Commercially possessing, reproducing, selling, renting, distributing, disposing of, or publicly exhibiting videograms previously disapproved by the Board;

6. Commercially reproducing, selling, renting, distributing, disposing of, or publicly exhibiting untitled or falsely titled videograms;

7. Commercially possessing, reproducing, selling, renting, distributing, disposing of, or publicly exhibiting videograms that have not been previewed, approved, registered or classified by the Board or do not carry the prescribed label or credits of the Board;

8. Revising, re-editing, or inserting disapproved or deleted portions into videograms previously classified and reviewed by the Board;


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9. Deliberate misrepresentation or fraud committed in registering with or obtaining commercial license or commercial permit from the Board;

10. Counterfeiting labels, credits, seal, and other documents of the Board; and

11. Using or possessing counterfeit labels, credits, seals, and other documents of the Board.

12. Failure to surrender to the Board the videograms involved in any violation.

13. Switching, substituting, or in any manner tampering with the Board's labels;

- Less Grave Violations:

1. Public display of posters and other advertising materials not authorized by the Board, in proper cases.

- Light Violations:

1. Selling or renting videograms having the "R" classification to persons under 18 years of age and videograms having the "P" classification to persons under 13 years of age;

2. Non-payment or unreasonable delay in the payment of levies, assessment and other fees prescribed by the Board;

3. Non-display of commercial license issued by the Board; and

4. Failure of the employer to get accreditation from the Board for his field sales or rental representatives.

A. Non-Monetary Penalties:

1. Grave – closure, revocation of commercial license or commercial permit and confiscation of videograms involved in the violation;

2. Less grave – temporary closure and suspension of commercial license or commercial permit for a period not less than thirty-one (31) days nor more than six (6) months, and confiscation of videograms involved in the violation; and

3. Light – temporary closure and suspension of commercial license for a period of not less than one (1) day nor more than thirty (30) days, and confiscation of videograms involved in the violation.

B. Monetary Penalties – In addition to or in lieu of the foregoing penalties, the Board in its discretion may impose the following administrative fines;

1. Grave – a fine of not less than P6,000.00 but not more than P50,000.00

2. Less grave – A fine of not less than P200.00 but not more than P6,000.00

3. Light – a fine of less than P200.00

In determining the amount of administrative fine to be imposed, favorable and unfavorable factors attendant to the commission of the violation may be considered.

The following are favorable factors:

1. Good faith;

2. Lack of intention to commit so grave a wrong as was committed;

3. Admission of guilt prior to the presentation of evidence;


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4. Cooperation with the Board or its employees;

5. Such physical defect of the violator as would restrict his means of communication with others; and

6. Any other similar or analogous factors.

The following are unfavorable factors;

1. Habituality or recidivism;

2. Taking undue advantage of one's government position;

3. Employment of fraudulent means to commit or conceal the violation;

4. Use of government property to commit of conceal the violation;

5. Corruption of or attempt to corrupt a public official;

6. Employment of superior force or threats against the Board or its duly authorized representative;

7. Use of a motor vehicle in the commission of the violation;

8. Two or more violations in each case; and

9. Any other similar or analogous factors.

SECTION 22. Multiple Violations – When the respondent is found guilty of two or more violations in each case, the penalty to be imposed shall be that corresponding to the heavier violation and the rest shall be considered as unfavorable factors.

SECTION 23. Effect of Penalties – Like penalties shall be imposed for like violations and one penalty shall be imposed for each case. "Each case" shall mean one administrative case and may involve one or more violations.

The administrative penalties and fines prescribed herein shall be without prejudice to the prosecution of the violator in court under Presidential Decree No. 1987 and other existing laws. Any confession or admission of guilt of a party made without the presence and assistance or counsel may not be used against such party in a criminal action.

Chapter X
Other Provisions

SECTION 24. Prospective Application – These rules shall have prospective application but persons engaged in the videogram business prior to the date of effectivity of these Rules shall remain liable for producing, reproducing, distributing, selling, renting, or publicly exhibiting videograms in violations of then existing laws and Rules.

SECTION 25. Effectivity – These Rules and Regulations shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the Philippines.

Re-Issued: 28 Jan. 1991[*]

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[*]Amendment per Board Resolution No. 88-10-17

[*]Amendment per Board of Meeting of July 24, 1987

[*]Amendment per Board Resolution No. 89-01-01

[*]By Board Resolution No. 91-01-01


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