

RULES AND REGULATIONS

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Chapter I Definition of Terms

SECTION 1. Meaning of Terms Used - As used in these Rules and Regulations, the following terms shall mean:

a. Board the Movie and Television Review and Classification Board (MTRCB) created under Presidential Decree No. 1986;

b. Motion Picture 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, whether the picture be black and white or colored, silent or with accompanying sound, on whatever medium with whatever mechanism or equipment they are projected or recorded for instant projection. For the purpose of these Rules, the material in which the motion picture is contained, preserved, or recorded, forms an integral part of the motion picture subject of these Rules. The term film is here used synonymously with motion picture;

c. Television Broadcast Public showing by transmitting sound or images by television or similar equipment, including cable television and other limited audience distribution;

d. Theatrical Distribution Public showing or exhibition of motion pictures in theaters, moviehouses, or any other places imposing admission fees to persons for entertainment, education, information and advertisement;

e. Non-Theatrical Distribution

(1)

The Public showing of long or short motion pictures through the use of mobile projection equipment, for which no admission fee is charged.

(2)

The showing of long or short motion pictures exclusively to member organizations, societies, clubs and other similar groups, including juvenile, educational, documentary, cultural, scientific, journalistic, industrial, sales, public relations and instructional films.

f. General Viewing refers to motion pictures made available to the general public for its viewing whether through film packs or public lending clubs or similar organizations;

g. General Patronage or G a classification of motion pictures admission to which is open to persons of all ages;

h. Parental Guidance or P a classification of motion pictures cautioning parents on a delicate content of the film and the need for parental guidance in its appreciation;

i. Restricted or R a classification of motion pictures admission to which is limited to adults. Adults, for the purpose of these Rules, are persons eighteen years of age or over;

j. Not for Public Viewing or X a classification of motion pictures disapproved by the BOARD for public exhibition or television broadcast;

- k. Television Program any matter to be aired or broadcast on television including live programs, product and service advertisements, teleplays, motion pictures originally shown in moviehouses or elsewhere;
- l. Live Programs any television program containing events which are happening simultaneous as it is actually being shown. Pre-taped portions of these live programs shall not be considered live;
- m. Newsreels refers to straight news reporting as distinguished from news analyses, commentaries and opinions. Talk shows on a given issue are not considered newsreel;
- n. Publicity Materials any material employed to generate public interest in a motion picture, including film, TV and radio trailers, advertisement copies, still photos, leaflets, posters and billboards;
- o. Review the process of examining motion pictures, television programs and related publicity materials and determining whether, using the standards set by law, they are fit for importation, exportation, production, copying, distribution, sale, lease, exhibition or broadcast by television. The process includes the determination as to what audience classification the film may be exhibited.

Chapter II

Guiding Principles

SECTION 2. Guiding Principles - The Board recognizes the important roles that motion pictures and television play in society, as educator of the great masses of the people, as merchant of diversion and entertainment, and as motivator in life. As media of expression, motion pictures and television are also indispensable to the exercise of freedom and liberty of communication and the development of the entertainment arts. At the same time, however, the Board is conscious of the State's concern that motion pictures and television, invested as they are with public interest, have to be shielded from those who would prostitute their functions in society, violate laws, public morals and good customs, and corrupt the minds of the young. The Board's task, as mandated by law, is to safeguard these values without nullifying the salutary services that motion pictures and television render to the community and the individual.

Chapter III

Scope of Authority to Review

SECTION 3. Matters Subject to Review - All motion pictures, television programs and publicity materials, as defined in Chapter I hereof, whether these be for theatrical or non-theatrical distribution, for television broadcast or general viewing, imported or produced in the Philippines, and in the latter case, whether they be for local viewing or for export, shall be subject to review by the Board before they are exported, imported, copied, distributed, sold, leased, exhibited or broadcast by television.

SECTION 4. Governing Standard - a) The Board shall judge the motion pictures and television programs and publicity materials submitted to it for review, using as standard contemporary Filipino cultural values, to abate what are legally objectionable for being immoral, indecent, contrary to law and 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, rebellion or sedition against the State, or otherwise threaten the economic and/or political stability of the State;
- II. Those which tend to undermine the faith and confidence of the people in their government and/or the duly constituted authority;
- III. Those which glorify criminals or condone crimes;

IV. Those which tend to abet the traffic in and use of prohibited drugs;

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

VI. Those which may constitute contempt of court or of any quasi-judicial tribunal, or pertain to matters which are subjudice in nature;

VII. Those which clearly constitute a malicious attack against any race, creed or religion, or against different sectors of the community like women, youth, cultural communities, the handicapped and urban poor sectors.

Pornography as here used is synonymous with obscenity the test of which is whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest. This includes: a) patently offensive or demeaning representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including but not limited to zoerastia, and anal or oral sexual intercourse; b) patently offensive representations or scatological descriptions of masturbation, excretory functions and lewd exhibition of the genitals, and c) explicit sexual exploitation of children.

Violence as here used refers to that which can arouse a person especially children and the youth, to instigate copying or imitation of aggressive and anti-social acts, and shape of values of the person regarding a variety of undesirable and anti-social behavior. This includes brutal behavior leading to violation of human rights and dignity, sexual assault and other perversions, moral and physical abuse of children and explicit detail of carnage.

b) No film or motion picture, television program or publicity material intended for exhibition at moviehouses or theaters or on television shall be disapproved by reason of its topic, theme or subject matter, but upon the merits of each picture considered in its entirety.

c) Titles and publicity materials shall be presented in advance and shall be approved or disapproved in the light of the synopsis of the film submitted by the applicant and shall be judged as to their suitability for publication in print, moviehouses, TV, billboard and sign media. In no case shall obscene, violent or suggestive titles be allowed. Old films with new titles shall be indicated in their application and in the publicity materials of such films.

SECTION 5. Board Action - a) After review, the Board shall approve or disapprove or prohibit the importation, exportation, copying, distribution, sale, lease, exhibition or television broadcast of the motion pictures, television programs and publicity materials thus reviewed.

b) The Board, shall not, as a general rule, order deletions or cuts in films but shall merely give them classification ratings in accordance with the law and these Rules. Films that it disapproves shall bear the X classification and those it approves, the G, P or R classification. Films that are approved for exhibition in moviehouses shall, unless re-edited, be given the same classification by the Board if shown on television provided that only films with G classification shall be authorized by the Board for showing on television from 6:00 a.m. to 8:00 p.m. and those with P classification from 8:00 p.m. to 6:00 a.m. Films carrying the R or X classification shall not be allowed for television broadcast.

c. Live programs on television shall not require prior review and approval by the Board but television studios shall give the Board at least 48 hours advance notice regarding the title and contents of such programs before they are aired or broadcast. In any event, television, studios, their officers and managers, shall be responsible for any breach or violation of any pertinent law existing from such live presentation. They shall see to it that no scenes objectionable under Presidential Decree 1986 or these Rules shall be shown. These programs shall be submitted for post-review within 48 hours after airing. Moreover, should there be matters that are prohibited for television

exhibition, under Presidential Decree 1986 and these Rules, the Board shall require pre-taping of the program or its sequel for post-review and approval.

d) Where deletions or cuts are ordered made, the Board shall have these executed on the positive prints of the film but it shall require that the master negative be deposited with its Film Archives for safekeeping, subject to the applicant's use for export and other lawful purpose.

SECTION 6. Exempted Films - Upon application by proper parties and for good cause given, the Board may grant exemptions from the requirements of prior review and approval to bonafide, educational, documentary, cultural, sales, public service, public relations, and instructional films produced or imported by such parties. The television studios, their officers and managers, shall be responsible for any breach or violation of any pertinent law existing from such presentations. They shall see to it that no scenes objectionable under Presidential Decree 1986 and these Rules are shown. Furthermore, these exemption can at any time be revoked by the Board.

Chapter IV

Procedure for Review and Issuance of Permits

SECTION 7. Requirements of Prior Review - No motion picture, television program or related publicity material shall be imported, exported, produced, copied, distributed, sold, leased, exhibited or broadcast by television without prior permit issued by the Board after review of the motion picture, television program or publicity material.

SECTION 8. Who May Apply - Any person authorized by law may apply for permit to import, export, produce, copy distribute, sell, lease, exhibit or broadcast by television, any motion picture, television program or related publicity material with respect to which use or appropriation he has by law, the corresponding right. For the purpose of these Rules, however, the applicant who submits the motion picture, television program or publicity material to the Board for review and approval presumably has the necessary right to use and dispose of it for the reason applied for and, unless enjoined by appropriate authority, the motion picture, program or material and the permit, if issued, shall be released by the Board to him.

SECTION 9. Form and Requirements of Application - The application 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 title under which he holds the motion picture, television program or publicity material submitted, the film title, the nature of its content (whether comedy, action, romance, sex, commercial, etc.) a description of the quantity and physical characteristics of the film, program or material submitted. The application shall be under oath and 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 picture, television programs or material produced or imported;
- b) A sworn certification, in case of locally produced films by the film studio or laboratory, stating the exact number of film prints it has processed and their footage, and an undertaking not to process further copies without clearance by the Board;
- c) In case of applicants not previously registered with the Board for the business subject of the application, certified copies of the applicant's authority to conduct business in the Philippines such as its articles of incorporation and by-laws approved by the Securities and Exchange Commission in case of registered corporation, the articles of partnership and association registered with the appropriate government office in case of partnerships and similar associations, and the business permit and related documents, in case of individual natural persons;

d) The documents mentioned in Section 18 and 19 below in cases of importation or export of motion pictures, television programs, or publicity materials; and

e) Such other documents as the Board may from time to time require, if material and relevant to the exercise of its functions.

The application together with the film prints shall be submitted to the Board at least five (5) working days before the playdate stated in the application. If the submission is delayed, the applicant shall pay a penalty of P1,000.00 for every day of delay.

SECTION 10. Application Fee - No application shall be acted upon unless the applicant has fully paid the application fee fixed by the Board for that purpose.

SECTION 11. Review by Sub-Committee of Three - a) A proper application having been filed, the Chairman of the Board shall, as the exigencies of the service may permit, designate a Sub-committee of at least (3) Board Members who shall meet, with notice to the applicant within ten (10) days from receipt of the completed application;

b) Immediately after the review, the applicant or his representative shall withdraw to await the results of the deliberation of the sub-committee. After reaching a decision, the sub-committee shall summon the applicant or his representative and inform him of its decision giving him an opportunity either to request reconsideration or to offer certain cuts or deletions in exchange for a better classification;

The decision shall be in writing, stating, in case of disapproval of the film or denial of the classification rating desired or both, the reason or reasons for such disapproval or denial and the classification considered by the Sub-committee as appropriate for the motion picture. A member of the Sub-committee dissenting from the majority opinion may express his dissent in writing;

c) The decision including the dissenting opinion, if any, shall immediately be submitted to the Chairman of the Board for transmission to the applicant.

SECTION 12. Review by Committee of Five - Within five (5) days from receipt of a copy of the decision of the Sub-Committee referred to in the preceding Section, the applicant may file a motion for reconsideration in writing of that decision. On receipt of the motion, the Chairman of the Board shall designate a Committee of Five (5) Board Members which shall consider the motion, and within five (5) days of receipt of such motion, conduct a second review of the subject film. The review shall, to the extent applicable, follow the same procedure provided in the preceding section.

SECTION 13. Re-Classification - An applicant desiring a change in the classification rating given his film by the Sub-Committee of three may re-edit such film and apply anew with the Board for its review and classification.

SECTION 14. Appeal - The decision of the Committee of five (5) Board Members in the second review shall be final, with the exception of the decision disapproving or prohibiting a motion picture in its entirety which shall be appealable to the President of the Philippines who may himself decide the appeal or refer it to the appeals committee in the Office of the President for adjudication.

SECTION 15. Approval of Print and Sign Advertisements - Applications for permit to use print and sign advertisement related to motion pictures such as advertisement copies, still photos, leaflets, posters and billboard layouts shall be decided by the Chairman or referred for action to a Board Member designated by the Chairman. The decision of either shall be final.

Chapter V

Duties of Applicant and Other Persons Using the Permit

SECTION 16. Restrictions in the Use of Permit - The applicant to whom the permit has been issued by the Board shall use such permit only for the purpose of purposes stated in it. He shall preserve the integrity of the motion picture, television programs, or related publicity materials in the conditions they were approved, guarding against insertions in or additions to them of unapproved matters.

SECTION 17. Duties of Exhibitors - Moviehouses and Television studio owners and their managers, as well as the operators of limited audience cinema and cable television shall have the following duties and responsibilities:

- a. They shall exhibit only motion pictures, television programs, and related publicity materials covered by appropriate Board permit. In case of television broadcast whose kind of audience cannot be controlled, only television programs and publicity materials classified by the Board as suitable for general patronage or with parental guidance may be broadcast as provided in Section 5 (b) above. In the latter case, the words "Parental Guidance" shall be superimposed on the show;
- b. In every case, they shall see to it that any exhibition of films approved by the Board shall be preceded by a short announcement on screen showing the Board classification of the film and the fact that it has been approved by the Board for public viewing. Theater owners and their managers shall, in addition, prominently display a copy of the permit to exhibit in front of the ticket office and maintain a three-feet high standee on the lobby announcing the Board's classification of the film. In case two (2) films are presented as double features, the more restrictive classification shall govern the announcement and admission into the theater. Only the MTRCB's classification shall be displayed.
- c. They shall preserve the integrity of the motion picture, television program and publicity materials approved by the Board, and in this connection, report immediately to the Board any noticeable insertions or additions to them that are patently objectionable considering the existing standards of review provided for in Section 4 above.
- d. In cases of moviehouses and other places of exhibition open to the public, the owners and their managers shall, in case the film being exhibited is for adults only, screen and refuse admission to persons below eighteen (18) years of age, or in case the film is with parental guidance classification, those seven (7) years of age and below and in case of parental guidance 15 classification, those who are below fifteen (15) years of age and order the exclusion of such persons if, by some device, they have gained illegal entrances into the premises. In case of doubt, the film exhibitor or his agent shall demand his residence certificate or other proofs of age;
- e. Holders of approved layouts bearing the stamp of the Board shall, when using such advertisements, cause to be stated on them the Board's classification of the film.

Chapter VI

Import and Export of Films

SECTION 18. Import of Films - a) Imported motion pictures, television programs or related publicity materials shall not be released from customs custody without prior permit to import issued by the Board. Such permit shall be issued upon proper application, payment of fees and submission of documents indicating the title and nature the title and nature, the quantity, the physical description, and the country of origin of the imported film.

b. In case the motion picture, television program, and related publicity materials are, after review, declared unfit for exhibition in the Philippines, they shall be ordered returned to the country of origin or elsewhere outside the Philippines within thirty (30) days from receipt by the importer a copy of the Board's decision. A true copy of the Board's decision shall be forwarded to the Commissioner of Internal Revenue and the Collector of Customs

pursuant to Section 12 of the Presidential Decree 1986. In every case the importer shall present to the Board proof of compliance with its order within thirty (30) days thereof. If the order of export is not complied with, the Board shall order the confiscation of the said film or television program.

SECTION 19. 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 fee, and submission of documents indicating the title and nature, the quantity, the physical description and the country of destination of the film to be exported. Whenever a version different from that previously approved by the Board from local exhibition is to be exported, a separate review in accordance with the procedure prescribed in Section 11 and 12 above shall be undertaken.

Chapter VII

Registration of Persons Under the Board's Jurisdiction

SECTION 20. Who are Required to Register - All persons engaged in business or activities falling under the supervision and regulation of the Board as provided in Section 3 (d) of Presidential Decree 1986 shall register with the Board for the purpose of the exercise of such supervision and regulation. These shall include the following persons and entities:

- a. Importers
- b. Exporters
- c. Film Studios or Laboratories
- d. Television Studios
- e. Cable TV Operators
- f. Producers
- g. Distributors or Booking Agents
- h. Theaters or Moviehouses

SECTION 21. Application for Registration - Persons required to register with the Board shall accomplish the prescribed form, submit true copies of documents attesting to authority to do business in the Philippines, and pay the registration fee fixed by the Board. A certificate of registration shall be issued by the Board to every person complying with the requirement of registration.

SECTION 22. Privileges of Registrants - All persons registered with the Board shall be entitled to the following privileges:

- a. The privileges of transaction business with the Board without the need of proving his existing authority to do business in the Philippines;
- b. The privilege of being placed in the mailing list of the Board for circulars and other communications affecting his line of business;
- c. The privilege of being consulted and invited to attend discussions with the Board concerning issues that affect him; and
- d. Such other privileges as the Board may from time to time grant registrants.

SECTION 23. 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 Chairman of the Board or upon dissolution of the registered firm or death of the registrar. Changes in the judicial status of the register, in his address, and the important aspects of his business must be communicated immediately to the Board.

Chapter VIII

Board Representatives

SECTION 24. 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 representative 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 at anytime.

SECTION 25. Scope of Duties and Authority - A Board representative, when issued a valid appointment and identification card, shall have the authority to inspect all public exhibition of any motion pictures or publicity materials in moviehouses, theaters and other public establishments and demand the production of the appropriate permit for such exhibition. Upon discovery of any violation of the law and these Rules, he shall immediately report such violations to the Chairman of the Board or his duly designated representative or to any officer or member of the Local Regulatory Council for proper action. For the purpose of exercising his authority and performing his duties, the Board representative may be accompanied by another who shall act as witness. The representative shall be accountable to the Board. He shall be obliged to give a report of his activities to the Chairman.

Chapter IX

National and Local Regulatory Councils

SECTION 26. National Regulatory Council - The Chairman of the Board may constitute and organize a National Regulatory Council for Motion Pictures and Television, to be headed by him, whose members he shall draw and designate 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 concerning the implementation of the purposes and objectives of Presidential Decree 1986. They shall serve without compensation and for such period of time as the Chairman of the Board shall determine.

SECTION 27. Local Regulatory Council - The Chairman of the Board may also constitute and organize Local Regulatory Councils in every province, city or municipality in the Philippines whose head and members he may designate from local government agencies, from local associations belonging to the movie and television industry, and from local civic or religious organizations. Such local regulatory councils shall assist the Board in the implementation of Presidential Decree 1986 and these Rules. They shall serve without compensation and for such period of time as the Chairman of the Board shall determine.

Chapter X

Violations and Administrative Sanctions

SECTION 28. Offenses and Administrative Penalties - Without prejudice to the institution of appropriate criminal action, violations of the laws and rules governing motion pictures, television programs, and related publicity materials shall be administratively penalized with suspension or cancellation of permits and licenses issued by the Board, depending on the gravity of the offense or in lieu thereof, the Chairman of the Board or the Hearing and Adjudication Committee, in his or its discretion, allow the payment of an administrative fine by the guilty party. The imposition of the administrative penalties for violation of Presidential Decree 1986 of its rules shall be in accordance with the table of penalties duly promulgated by the Board.

SECTION 29. Hearing and Adjudication - a) Any administrative violation of the laws governing motion pictures, television broadcast and related publicity materials as well as these Rules shall be initially heard by the Chairman.

If the alleged offender admits the charges, then the Chairman shall impose the appropriate penalty. If the alleged offender does not so admit, then the Chairman shall refer the case to the Hearing and Adjudication Committee composed of at least three (3) Board members designated by the Chairman. At least one Hearing and Adjudication Committee member shall be a member of the Philippine Bar. In case of a finding of guilt, the Committee shall impose the appropriate penalty. The technical rules of evidence shall not bind the Chairman and the Committee but both shall observe fairness in the proceedings. The decision of either the Chairman or the Committee shall be final.

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, suspension of the permit or permits involved, or closure of the erring moviehouse or establishment, or all such seizure, suspension, and closure. He may also order the temporary dismantling or tearing down of public signs and billboards that are believed to have been constructed in violation of law and these Rules. The temporary orders thus issued shall not, however, last more than twenty (20) days from the date of its issuance.

Chapter XI

Other Provisions

SECTION 30. Repeal - Any prior rule, regulation, circular, or other that is inconsistent with the above shall be deemed amended, modified or repealed.

SECTION 31. Effectivity - These Rules and Regulations of the Board shall become effective fifteen (15) days after publication in two (2) newspaper of general circulation in the Philippines.

Adopted: 27 July 1993

(Sgd.) HENRIETTA S. MENDEZ
Chairman

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