

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

04 JUN 30 P3:37

SENATE

RECEIVED BY: 

S. No. 278

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Motion pictures and television have come to constitute a major form of entertainment and leisure, especially for children and young people. At their impressionable age, the youth are highly vulnerable to the messages, both direct and subliminal that are conveyed to them through motion pictures and television.

While the Philippine movie industry has produced a few motion pictures that are worthy of praise, Philippine movies have in general chosen to cater to the baser human instincts, featuring objectionable scenes that depict lewdness, violence, and immorality from which most parents would rather protect their children.


Presidential Decree No. 1986, which created the Movie and Television Review and Classification Board (MTRCB) provided among other things, that at least 15 members of the Board may come from the movie and television industry. Some of the recent censorship fiascos may be construed as a demonstration of the fact that as a group, the movie and TV industry does not have the capability for self-regulation.

This bill seeks to restructure the MTRCB to make it more responsive to the need to classify films for the guidance of the viewing public. Among others, this bill provides for

- 1) an increase in the membership of the MTRCB from 30 to 34 members, for a broader and more balanced multi-sectoral representation of the professions and the arts, the church and academe, youth, women, labor and cultural communities;
- 2) Standards for classification in order to reflect the range of influences against which the public should be alerted; and
- 3) Fines and penalties to be imposed for violations of this Act.

The Constitution enshrines the basic freedoms of expression and of choice. These are however not absolute freedoms, and should be brought under regulation by the state, especially when the unrestricted exercise of these freedoms implies serious damage to social moral and ethical values.

In view of the foregoing, early passage of this bill is earnestly requested.


SERGIO OSMEÑA III
Senator

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AN ACT
RESTRUCTURING THE MOVE AND TELEVISION REVIEW AND
CLASSIFICATION BOARD, AMENDING FOR THIS PURPOSE THAT
PERTINENT PROVISIONS OF PRESIDENTIAL DECREE NUMBER ONE
THOUSAND NINE HUNDRED EIGHTY-SIX (1986) AND FOR OTHER
PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 **SECTION 1.** Section 2 of Presidential Decree Number One Thousand
2 Nine Hundred Eighty-Six is hereby amended to read as follows:

3 "Section 2. Composition; Qualifications; TERM OF OFFICE;
4 Benefits. – (1) The Board shall be composed of a Chairman [,] [a Vice-
5 Chairman] and [Thirty (30)] THIRTY FOUR (34) MEMBERS [,] who shall
6 be appointed by the President of the Philippines FROM AMONG
7 QUALIFIED NOMINEES OF ASSOCIATIONS AND ORGANIZATIONS
8 REPRESENTING OR ASSOCIATED WITH THE PROFESSIONS AND
9 THE ARTS AND VARIOUS SECTORS SUCH AS THE CHURCH, THE
10 ACADEME, YOUTH, WOMEN, LABOR AND CULTURAL
11 COMMUNITIES: PROVIDED, THAT THE CHAIRMAN SHALL NOT BE
12 DRAWN FROM, OR NOMINATED BY, THE MOVIE OR TELEVISION
13 INDUSTRY, WHICH SHALL BE REPRESENTED IN THE BOARD BY
14 NOT MORE THAN ONE MEMBER EACH, PROVIDED, FURTHER, THAT
15 AT LEAST FIVE (5) MEMBERS MUST BE MEMBERS OF THE
16 PHILIPPINE BAR; AND PROVIDED, FINALLY THAT EACH

1 NOMINATING PARTY SHALL SUBMIT AT LEAST THREE NOMINEES
2 FOR EVERY APPOINTMENT TO BE MADE BY THE PRESIDENT. [The
3 Chairman, the Vice-Chairman, and the members of the Board, shall hold
4 office for a term of one (1) year, unless sooner removed by the President
5 for any cause: Provided, That They shall be eligible for reappointment
6 after the expiration of their term. If the Chairman, or the Vice-Chairman or
7 any member of the Board fails to complete his term, any person appointed
8 to fill the vacancy shall serve only for the unexpired portion of the term of
9 the BOARD member whom he succeeds.]

10 (2) No person shall be appointed to the BOARD [,] unless he is a [natural-
11 born] citizen of the Philippines, [not less than] AT LEAST twenty-one (21)
12 years of age, and of good moral character and standing in the community:
13 Provided, That THE CHAIRMAN SHALL BE AT LEAST THIRTY-FIVE (35)
14 YEARS OF AGE, IN ADDITION TO POSSESSING ALL THE
15 QUALIFICATIONS AND NONE OF THE DISQUALIFICATIONS OF
16 MEMBERS [in the selection of the members of the BOARD due
17 consideration shall be given to such qualifications as would produce a
18 multi-sectoral combination of expertise in the various areas of motion
19 picture and television: Provided, further, That at least fifteen (15) members
20 of the BOARD may come from the movie and television industry to be
21 nominated by legitimate associations representing the various sectors of
22 said industry.]

23 (3) THE CHAIRMAN AND THE MEMBERS OF THE BOARD SHALL
24 HOLD OFFICE FOR A TERM OF THREE (3) YEARS UNLESS SOONER
25 REMOVED BY THE PRESIDENT FOR A CAUSE AND SHALL BE
26 ELIGIBLE FOR REAPPOINTMENT: PROVIDED, THAT NO MEMBER
27 SHALL SERVE FOR MORE THAN TWO (2) CONSECUTIVE TERMS. OF
28 THOSE FIRST APPOINTED, THE CHAIRMAN AND TWELVE (12)
29 MEMBERS SHALL HOLD OFFICE FOR THREE (3) YEARS, ELEVEN

1 (11) MEMBERS FOR ONE (1) YEAR. APPOINTMENT TO ANY
2 VACANCY SHALL ONLY BE FOR THE UNEXPIRED TERM OF THE
3 PREDECESSOR.

4 (4) The Chairman [, the Vice-Chairman) and the [other] members of the
5 Board shall be entitled to transportation, representation and other
6 allowances [which shall be in no case exceed Five thousand pesos
7 (P5,000.00) per month] AS MAY BE DETERMINED AND FIXED BY THE
8 BOARD.”

9 **SEC. 2.** Section 3 of the same Decree is hereby amended to read as
10 follows:

11 “SEC. 3. Powers and Functions. – The Board shall have the
12 following [functions,] powers and [duties] FUNCTIONS:

13 [a)] (1) To promulgate such rules and regulations as are necessary
14 or proper for the implementation of this Act, and the accomplishment of its
15 purposes and objectives, including guidelines and standards for production,
16 PROMOTIONS [advertising] and titled. Such rules and regulations shall
17 take effect after fifteen (15) days following their publication in AT LEAST
18 TWO (2) newspapers of general circulation in the Philippines;

19 [b)] (2) To screen, review, [and] examine AND CLASSIFY all
20 motion pictures AND TELEVISION PROGRAMS, WHETHER LIVE OR
21 TAPED, INCLUDING THOSE FOR CABLE TELEVISION, [as herein
22 defined, televisions programs, including] publicity materials PERTAINING
23 THERETO such as advertisements, trailers and still[s] PHOTOGRAPHS[.]
24 [whether such motion pictures and publicity materials be for theatrical or
25 non-theatrical distribution, for television broadcast or for general viewing,
26 imported or produced in the Philippines, and in the latter case, whether
27 they be for local viewing or for export;]

28 [e)] (3) To classify motion pictures AND television programs and
29 similar shows into categories such as: [“G” of “For General Patronage” (all

1 ages admitted), "PG" or "Parental Guidance Suggested", "R" or "Restricted"
2 (for adults only), "X" or "Not for Public Viewing" , or such other categories
3 as the BOARD may determine for the public interest;]

4 (a) "G" or "GENERAL PATRONAGE" (ALL AGES ADMITTED)
5 FOR FILMS THAT DO NOT CONTAIN MATERIALS, WHETHER IN
6 THEME, LANGUAGE, NUDITY AND SEX, OR VIOLENCE WHICH
7 WOULD BE DEEMED OFFENSIVE TO PARENTS WHOSE MINOR
8 CHILDREN ARE TO VIEW THE FILM;

9 (b) "PG 7" OR "PARENTAL GUIDANCE SUGGESTED: SOME
10 MATERIALS MAY NOT BE SUITABLE FOR CHILDREN BELOW 7" FOR
11 FILMS WHICH MAY CONTAIN SOME SUGGESTIONS OF VIOLENCE
12 OR SENSUALITY, MILD AND INFREQUENT EXPLETIVES OR OTHER
13 MATERIAL WHICH PARENTS CONSIDER UNSUITABLE FOR VIEWING
14 BY CHILDREN UNDER 7 YEARS OF AGE;

15 (c) "PG13" OR "PARENTS STRONGLY CAUTIONED: SOME
16 MATERIALS MAY BE INAPPROPRIATE FOR CHILDREN UNDER 13"
17 FOR FILMS THAT LEAP BEYOND THE BOUNDARIES OF THE "PG 7"
18 RATING OR CLASSIFICATION BUT DOES NOT QUITE FIT WITHIN
19 THE "RESTRICTED" RATING OR CLASSIFICATION, MATERIALS
20 SUCH AS INEXPLICIT DRUG USE, NUDITY THAT IS GERMANE TO
21 THE STORY LINE BUT IS NOT SEXUALLY ORIENTED, VIOLENCE
22 THAT IS NOT ROUGH OR PERSISTENT, USE OF INTERMITTENT
23 CUSS WORDS BUT NOT IN A SEXUAL CONTENT WILL REQUIRE THE
24 "PG 13" RATING OR CLASSIFICATION;

25 (d) "R" OR "RESTRICTED" – "FOR ADULTS ONLY" FOR
26 FILMS WITH DEFINITE ADULT MATERIAL, SUCH AS PROFANE
27 LANGUAGE, CUMULATIVE VIOLENCE, NUDITY WITH SENSUAL BUT
28 NOT EXPLICIT SEX SCENES, DRUG ABUSE OR SUCH OTHER
29 SIMILAR MATERIALS;

1 (e) "X" OR "NOT FOR PUBLIC VIEWING, SALE, LEASE OR
2 DISTRIBUTION" FOR FILMS THAT ARE CONTRARY TO LAW,
3 PORNOGRAPHIC, IMMORAL OR WHICH POSE A CLEAR AND
4 PRESENT DANGER TO PUBLIC ORDER, PUBLIC SAFETY OR OTHER
5 LEGITIMATE INTEREST, SUCH AS BUT NOT LIMITED TO

6 (i) THOSE WHICH ADVOCATE SUBVERSION,
7 INSURRECTION, REBELLION OR SEDITION AGAINST THE
8 STATE;

9 (ii) THOSE WHICH GLORIFY CRIMINALS OR CONDONE
10 AND/OR ENCOURAGE THE COMMISSION OF CRIMES;

11 (iii) THOSE WHICH ENCOURAGE OR ABET THE TRAFFIC IN
12 AND USE OF PROHIBITED DRUGS;

13 (iv) THOSE WHICH SERVE NO OTHER PURPOSE EXCEPT
14 TO SATISFY THE MARKET FOR VIOLENCE OR
15 PRONOGRAPHY OR LOSSEN THE MORAL VALUES OF
16 INDIVIDUALS.

17 MOTION PICTURES AND PROGRAMS FOR TELEVISION
18 BROADCAST, WHETHER LIVE OR TAPED, SHALL BE RESTRICTED
19 TO "G" OR "GENERAL PATRONAGE" AND "PG" OR "PARENTAL
20 GUIDANCE."

21 **Sec. 3.** Repealing Clause. -- All existing laws, decrees, executive
22 orders, and rules and regulations or parts thereof inconsistent with the provisions
23 of this Act are hereby repealed or modified accordingly.

24 **Sec. 4.** Separability Clause. -- In any part, section or provision of this Act
25 shall be held unconstitutional or invalid, other parts or provisions hereof which
26 are not affected thereby shall continue to be in full force and effect.

27 **Sec. 5.** Effectivity. -- This Act shall take effect fifteen (15) days after its
28 publication in at least two (2) newspapers of general circulation.

Approved,