


SENATE
S. B. No. 1242

'04 JUL -1 AIO 54

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 13 provides:

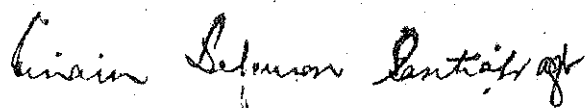
Section 13. The State recognizes the vital role of the youth in nation-building and shall promote their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Television influences children's perception of the values and behavior that are common and acceptable in society.

Violent video programming influences children, as does indecent programming. There is empirical evidence which shows that children who are exposed to violent video programming, at a young age, have a higher tendency for violent and aggressive behavior later in life than those children not so exposed. They are prone to assume that acts of violence are acceptable behavior.

There is a compelling governmental interest in limiting the negative influences of violent video programming on children. Restricting the hours when violent video programming is shown, as a valid exercise of police power of the State, is the least restrictive and most narrowly tailored means to achieve that compelling governmental interest. Warning labels about the violent content of video programming will not, in themselves, prevent children from watching violent video programming.

This bill seeks to protect children against violent video programming, by prohibiting its distribution to the public during hours when children are reasonably likely to comprise a substantial portion of the audience.


MIRIAM DEFENSOR SANTIAGO

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**AN ACT
PROHIBITING THE DISTRIBUTION TO THE PUBLIC OF VIOLENT VIDEO
PROGRAMMING DURING HOURS WHEN CHILDREN ARE REASONABLY
LIKELY TO COMPRISE A SUBSTANTIAL PORTION OF THE AUDIENCE**

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

SECTION 1. *Short Title* - this Act shall be known as the "Children's Protection from Violent Programming Act"

SECTION 2. *Definition* - As used in this act:

(1) programming - includes advertisements but does not include bona fide newscasts, bona fide news interviews, bona fide news documentaries, and on-the-spot coverage of bona fide news events.

(2) cable operator - any person, corporation, partnership or association engaged in the distribution of television programs through cable or any similar technology.

(3) distribute - to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite.

SECTION 3. *Unlawful distribution* - it shall be unlawful for any commercial television and public telecommunications entities, including cable operators to--

(1) distribute to the public any violent video programming, inclusive, of programming that contains gratuitous violence, during hours when children are reasonably likely to comprise a substantial portion of the audience or,

(2) knowingly produce or provide material for such distribution.

SECTION 4. *Prohibition On Violent Programming*

a) The National Telecommunications Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to the proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act

b) As part of that proceeding, the Commission--

(1) may exempt from the prohibition news programs, documentaries, educational programs, and sporting events whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming

(2) shall exempt premium and pay-per-view cable programming; and

(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

SECTION 5. *Franchise Grant.* A franchise, including the renewal of a franchise, may not be awarded under this part unless the cable operator to be awarded the franchise agrees to comply with the standards for children's television programming established under this Act.

SECTION 6. *Penalty for violation* - any person who violates this act or any regulation promulgated under this act, shall pay a fine of P200,000.00. If said person repeatedly violates the same, the Commission shall, after notice and opportunity for hearing, immediately repeal any license issued to that person under this Act.

SECTION 7. *Consideration of violations in license renewals-* The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

SECTION 8. *Separability Clause* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 9. *Repealing Clause* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or

inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 10. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

EPC

24 November 1998