

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

SECRETARY

2013 JUN 22 10:42

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SENATE  
S.B. No. 1451

Introduced by Senator Miriam Defensor Santiago

### EXPLANATORY NOTE

The Constitution, Article III, Section 7, provides that "the right of the people to information on matters of public concern shall be recognized."

This constitutional provision grants to parents the right to be informed about the nature of video games, which has become a preferred leisure activity of adolescents and children.

The concern of parents is justifiable, because researches show that playing or viewing video games have effects on the player. The studies show that playing video games may affect some children's physical functioning. (Funk, J.J. "Reevaluating the Impact of Video Games." Clinical Pediatrics. 1993), or that the social content of video games may influence children's attitudes towards gender roles (Provenso, E.F., Jr. "The Video Generation." American School Board Journal. 1992). And since it is likely that there is similarity in the effect of viewing television programs and playing violent video games on the aggressive behavior of an individual, one should also take notice of correlative researches on the matter (Clark, C.S. "TV Violence." CO Researcher. 1993).

However, according to Funk, banning video games may not prove to be in the child's best interest. The best way may be to limit the playing time and monitor game selection according to developmental level and game content.

This bill aims to provide parents with useful information about the nature of video games so they can be more effective in managing the child's recreational privileges by creating an Interactive Entertainment Rating Board.

  
MIRIAM DEFENSOR SANTIAGO

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**AN ACT  
TO PROVIDE FOR THE ESTABLISHMENT  
OF THE INTERACTIVE ENTERTAINMENT RATING BOARD**

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

SECTION 1. *Short Title.* — This Act shall be cited as “Interactive Entertainment Rating Act.”

SECTION 2. *Declaration of Policy.* — It is a policy of the State to protect and promote the right of the people on matters of public concern.

SECTION 3. *Definition of Terms.* — For purposes of this Act, the terms:

(1) “Video Games” and “Video Devices” mean any interactive computer game, including all software, framework and hardware necessary to operate a game available commercially; and

(2) “Video Game Industry” means all manufacturers of video games and related products.

SECTION 4. *The Interactive Entertainment Rating Board.* —

(1) Establishment — There is established the Interactive Entertainment Rating Board (hereafter in this Act referred to as the “Board”) which shall be an independent establishment in the executive branch. It shall have its principal office in Metro Manila and shall be under the Office of the President of the Philippines. The Board shall provide

parents with information about the nature of video games which are used in homes or public areas, including arcades of family entertainment centers in accordance with such rules and regulations to be adopted by the Board.

(2) Members of the Board. – (A)(i) The Board shall be composed of ten (10) members. No more than three (3) members shall be affiliated with any one (1) political party.

(ii) The members shall be appointed by the President of the Philippines, and with the advice and consent of the Senate. The President shall designate one (1) member as the Chairman of the Board. They shall serve for a term of two (2) years, unless sooner removed by the President for any cause; Provided, that they shall be eligible for reappointment after the expiration of their term. If the chairman or any of the members fails to complete his/her term, any person appointed to fill the vacancy shall serve only for the unexpired portion of the term of the Board member whom he/she succeeds.

No person shall be appointed to the Board, unless he is a natural-born citizen of the Philippines, not less than twenty-five (25) years of age, and of good moral character and standing in the community; Provided, That in the selection of the members of the Board due consideration shall be given to such qualifications as would produce a multi-sectoral combination of expertise in the various areas of the video game industry; Provided, further, That at least (2) members must be members of the Philippine Bar.

The Chairman, and members of the Board, shall be entitled to transportation, representation, and other allowances which shall in no case exceed Fifteen Thousand Pesos (P 15,000.00) per month.

(2) All members shall be appointed within 60 days after the date of the enactment of this Act.

(3) Terms – Each member shall serve until the termination of the Board.

(4) Vacancies – A vacancy on the Board shall be filled in the same manner as the original appointment.

(5) Organizational Pattern; Personnel. – The Board shall determine its organizational structure and its staffing pattern. It shall have the power to suspend or

dismiss for cause any employee and/or approve or disapprove the appointment, transfer or detail of employees. It shall appoint the Secretary of the Board who shall be the official custodian of the records of the meetings of the Board and who shall perform such other duties and functions as directed by the Board

(6) Consultants. – The Board may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants. The Board shall give public notice of any such contract before entering into such contract.

SECTION 5. *Authority and Functions of the Board.* —

(1) VOLUNTARY STANDARDS – (A) The Commission shall –

(i) during the one-year period beginning on the date of the enactment of this Act, and to the greatest extent practicable, coordinate with the video game industry in the development of a voluntary system of providing information concerning the contents of video games to purchasers and users; and

(ii) one (1) year after the date of enactment of this Act –

(a) evaluate whether any voluntary standards proposed by the video game industry are adequate to warn purchasers and users about the violence or sexually explicit content of video games; and

(b) determine whether the voluntary industry response is sufficient to adequately warn parents and users of the violence or sex content of video games.

(B) If before the end of the 1-year period beginning on the date of the enactment of this Act, the Board makes a determination of adequate industry response under paragraph (A)(ii)(a) and a determination that sufficient voluntary standards are established, the Commission shall –

(i) submit a report of such determinations and the reasons therefore to the President and the Congress; and

(ii) terminate in accordance with Section 11.

(2) REGULATORY AUTHORITY – Effective on and after the date occurring one (1) year after the date of the enactment of this Act, the Board may promulgate regulations requiring manufacturers and sellers of video games to provide adequate information relating to violence or sexually explicit content of such video games to purchasers and users.

SECTION 6. *Applicability of Civil Service Law.* – The Board and its officers and employees shall be subject to the Civil Service Law, rules and regulations; Provided, That technical personnel shall be selected on the basis of merit and fitness to be determined in accordance with such policies and guidelines as may be approved by the Board.

SECTION 7. *Auditor.* – The Chairman of the Commission on Audit shall be the ex officio Auditor of the Board. For this purpose, he may appoint a representative who shall be the auditor of the Board, together with the necessary personnel to assist said representative in the performance of his duties. The number and salaries of the auditor and said personnel shall be determined by the Chairman of the Commission on Audit, subject to the rules and regulations of the Commission on Audit. Said salaries and all other expenses of maintaining the auditor's office shall be paid by the Board.

The Auditor shall, as soon as practicable, but not later than three (3) months after the accounts have been submitted to audit, send an annual report to the Board. The Auditor shall also submit such periodic or special reports as the Board may deem necessary or proper.

SECTION 8. *Registration.* – No person, whether natural or juridical, may engage in the importation, exportation, production, reproduction, exhibition, showing, sale, lease or disposition of video games unless such person is first registered with and permitted by the Board to operate as such. The registration with and permit issued by the Board is a condition precedent for securing a business permit or license from the appropriate authorities.

SECTION 9. *Assistance in the Enforcement Functions of the Board.* – The Board may solicit the direct assistance of other agencies and units of the government, and may deputize, for

a fixed and limited period, the heads or personnel of such agencies and units to perform enforcement function of the Board. The government agencies and units exercising the enforcement functions for the Board shall, insofar as such functions are concerned, be subject to the direction and control of the Board.

SECTION 10. *Penalty.* – Any person who violates any of the provisions of this Act or rules and regulations to be promulgated pursuant thereto, either as principal, accomplice or accessory, shall, upon conviction, suffer a mandatory penalty of three (3) months and one (1) day to one (1) year imprisonment plus a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00). Should the offense be committed by a juridical person, the chairman, the president, secretary, treasurer, or the partner responsible therefore, shall be the person penalized.

SECTION 11. *Termination.* – The Board shall terminate ninety (90) days after the Board submits a written determination to the President that voluntary standards are established that are adequate to warn purchasers of the violent or sexually explicit content of video games. The Board shall not be in existence for more than five (5) years.

SECTION 12. *Appropriations.* – The sum of Three Million Pesos (P3,000,000.00) out of any available funds from the National Treasury is hereby appropriated and authorized to be released for the organization of the Board and its initial operations. Henceforth, funds sufficient to fully carry out the functions and objectives of the Board shall be appropriated every fiscal year in the General Appropriations Act.

All fees, revenues, and receipts of the Board from any and all sources shall be used to augment the funds to support the expenditures needed by the Board in the pursuit of its purposes and objectives and the exercise of its powers and functions, and for such other purposes as may hereafter be directed by the President of the Philippines.

SECTION 13. *Annual Reports.* – The Board, in addition to the other reports required in this Act shall, within three months after the end of every fiscal year, submit its annual report to the President. The annual report shall include, among others, a statement of the Board's accomplishments together with its plans and recommendations to improve and develop its operations and the supervision and regulation of the video game industry.

SECTION 14. *Separability Clause.* - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 15. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 16. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.