

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



23 FEB 21 A8:59

SENATE
S. No. 1904

RECEIVED BY: _____

Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
ABOLISHING THE OPTICAL MEDIA BOARD, CREATED BY VIRTUE OF
REPUBLIC ACT NO. 9239, OTHERWISE KNOWN AS THE OPTICAL MEDIA
ACT OF 2003, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Republic Act No. 9239 or the Optical Media Act of 2003 declared as State policy the protection and promotion of intellectual property rights. More specifically, Section 2 of the law provides: "The unregulated mastering, manufacture, replication, importation and exportation of optical media in all forms is inimical to economic growth and public interest. Towards this end, the State shall institute the means to regulate the manufacture, mastering, replication, importation and exportation of optical media."

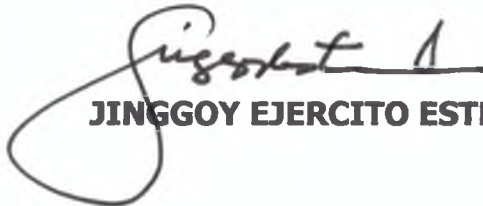
RA 9239 reorganized the Videogram Regulatory Board (VRB) created under Presidential Decree 1987, issued in 1985, in response to the proliferation and unregulated circulation of videograms including videotapes, discs and cassettes that greatly prejudiced the operations of movie houses and theaters and caused a sharp decline in theatrical attendance and substantial losses in government revenues.

Through the years, significant technological advancements in the media landscape rendered the use of video tapes and compact discs as obsolete. During the conception and implementation of abovementioned regulatory policies, films were pirated, illegally circulated and physically stored in optical media. Today, movies and television series are consumed through digital and online platforms and streaming services.

During the 2023 budget deliberations, the Senate also learned about the dismal performance of the OMB in the fight against film piracy. In the last five years, there was a steady decline in the estimated value of seized items from P763 million in 2018 to P305,000 in 2022. Also, no new administrative cases were filed against violators of RA 9239 in the past year. By own admission of the OMB, DVDs are not used anymore.

This bill proposes the abolition of the OMB which monitors and regulates an already obsolete industry. The storage medium and devices under the agency's regulatory control are also practically phased out. The measure also seeks to transfer the assets and unexpended appropriations of the OMB, specifically in eradicating film piracy, to the Film Development Council of the Philippines (FDCP), considering that it is the movie industry which is gravely affected by it.

The passage of this legislation is earnestly sought.



JINGGOY EJERCITO ESTRADA

NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Senate
Office of the Secretary

23 FEB 21 A9:00

SENATE

S. No. 1904

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AN ACT
ABOLISHING THE OPTICAL MEDIA BOARD, CREATED BY VIRTUE OF
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ACT OF 2003, AND FOR OTHER PURPOSES

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

1 Section 1. *Abolishing the Optical Media Board.* – The Optical Media Board
2 (OMB) created by virtue of Republic Act No. 9239, otherwise known as the Optical
3 Media Act of 2003, is hereby abolished.

4 *Sec. 2. Absorption of Affected Personnel, Separation and Retirement Benefits.*
5 – The Film Development Council of the Philippines (FDCP) shall, as needed, absorb
6 the employees and officers of the OMB. Those holding permanent appointments
7 shall also be given preference for appointment in other agencies if they meet the
8 qualification requirements of the positions therein.

9 The affected personnel, if with permanent appointment attested by the Civil
10 Service Commission (CSC), who will not opt to retire from the service, shall be
11 placed in a manpower pool to be organized and administered by the CSC. The CSC,
12 in coordination with other government agencies and relevant private institutions,
13 shall retool the subject personnel and deploy them to agencies which require their
14 qualifications, skills, and competencies.

15 Officers and employees who are separated from the service as a result of the
16 abolition of the OMB shall receive the corresponding separation benefits under

1 applicable laws and regulations: *Provided*, That those who are qualified to retire
2 under existing laws shall be allowed to retire and receive retirement benefits and/or
3 gratuity to which they may be entitled under applicable laws, rules and regulations.

4 *Sec. 3. Transfer of Rights, Assets and Liabilities.* – The Film Development
5 Council of the Philippines shall, by virtue of this Act, be subrogated to all the rights
6 and assume all the obligations and liabilities of the Optical Media Board. All records,
7 properties, assets, equipment, and funds of the Optical Media Board, including
8 unexpended appropriations or allocations, shall be transferred to the FDCP.

9 *Sec. 4. Separability Clause.* – If any provision of this Act is declared invalid or
10 unconstitutional, the remaining provision not affected thereby shall continue to be in
11 full force and effect.

12 *Sec. 5. Repealing Clause.* – All laws, decrees, orders or regulations or part
13 thereof inconsistent with this Act are hereby repealed or modified accordingly.

14 *Sec. 6 . Effectivity.* – This Act shall take effect fifteen (15) days following the
15 completion of its publication in the *Official Gazette* or in a national newspaper of
16 general circulation.

Approved,