

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

OFFICE OF THE CLERK

10 JUL 21 P4:24

SENATE
S. No. **1764**

RECEIVED BY *[Signature]*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article, 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 that 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
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

10 JUL 21 PM 2:24

SENATE
S. B. No. 1764

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

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

7 SECTION 1. *Short Title.* – this Act shall be known as the “Children’s Protection from
8 Violent Programming Act”

9 SECTION 2. *Definition of Terms.* – As used in this Act, the term:

10 (A) “Programming” includes advertisements but does not include bona fide newscasts,
11 bona fide news interviews, bona fide news documentaries, and on-the-spot coverage
12 of bona fide news events;

13 (B) “Cable operator” means any person, corporation, partnership or association engaged
14 in the distribution of television programs through cable or any similar technology;
15 and

16 (C) “Distribute” means to send, transmit, retransmit, telecast, broadcast, cablecast,
17 including by wire, microwave, or satellite.

18 SECTION 3. *Unlawful distribution.* – It shall be unlawful for any commercial television
19 and public telecommunication entities, including cable operators to

20 (A) Distribute to the public any violent video programming, inclusive, of programming
21 that contains gratuitous violence, during hours when children are reasonably likely
22 to comprise a substantial portion of the audience; or

23 (B) Knowingly produce or provide material for such distribution.

1 SECTION 4. *Prohibition on Violent Programming.* –

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

6 (B) As part of the proceeding, the Commission –

7 (1) May exempt from the prohibition, news programs, documentaries, educational
8 programs, and sporting events whose distribution does not conflict with the
9 objective of protecting children from the negative influences of violent
10 programming;

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

12 (3) Shall define the term ‘hours when children are reasonably likely to comprise a
13 ‘substantial portion of the audience’ and the term ‘violent video
14 programming’.

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

18 SECTION 6. *Penalty for Violation.* – Any person who violates this act or any regulation
19 promulgated under this Act, shall pay a fine of Two Hundred Thousand Pesos (P200,000.00). If
20 said person repeatedly violates the same, the Commission shall, after notice and opportunity for
21 hearing immediately repeal any license issued to that person under this Act.

22 SECTION 7. *Consideration of Violations in License Renewals.* – The Commission shall
23 consider, among the elements in its review of an application for renewal of a license under this
24 Act, whether the licensee has complied this section and the regulations promulgated under this
25 section.

1 SECTION 8. *Separability Clause.* – If any provision or part hereof, is held invalid or
2 unconstitutional, the remainder of the law or the provision otherwise affected shall remain valid and
3 subsisting.

4 SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive order,
5 letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision
6 of this Act is hereby modified, or amended accordingly.

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

9 Approved,