

SENATE
S. B. 3362

Introduced by Senator Villar


EXPLANATORY NOTE

The goal of this bill is to allow the deaf, deafened, and hard of hearing people access to a full variety of television programs through the aid of closed captions thereby permitting them to engage and be a part of the popular culture.

This bill is not novel. A number of countries have already passed a similar legislation or rules. For example, the United States passed its Twenty-First Century Communications and Video Accessibility Act of 2010, the New South Wales issued a government memorandum named the Captioning of Government Advertising and Public Information Videos, and even Canada through its governing body has issued a policy entitled Accessibility of telecommunications and broadcasting services, all with the same goal of giving access to the deaf, deafened, and hard of hearing people to television.

It is about time that we follow suit to allow our own deaf, deafened, and hard of hearing Filipino people equal access to television programs and in the same way be educated by this powerful tool.

Hence, immediate passage of this bill is earnestly sought.


Manny Villar

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AN ACT
TO REQUIRE ALL FRANCHISE HOLDERS OR OPERATORS OF TELEVISION STATIONS AND PRODUCERS OF TELEVISION PROGRAMS TO BROADCAST OR PRESENT THEIR PROGRAMS WITH CLOSED CAPTIONS, AND FOR OTHER PURPOSES

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

1 **Section 1. Requirement.** - All franchise holders or operators of television
2 stations and producers of television programs are required to broadcast their programs
3 with closed caption to benefit persons with hearing disabilities.

4 **Section 2. Definition of Terms.** - As used in this Act:

5 a) Closed-caption shall mean a method of subtitling television programs by coding
6 statements as vertical interval data signal that are decoded at the receiver and
7 superimposed at the bottom of the television screen.

8 b) Economically burdensome shall mean that which result in a significant difficulty
9 or expense to be determined by the following factors:

- 10 1) The nature and cost of the closed captions for the programming;
11 2) The impact on the operation of the provider or producer;
12 3) The financial resources of the provider or producer;
13 4) The type of operations of the provider or producer.

14
15 **Section 3. Exempt Programming.** - The following shall be exempt from closed
16 captioning:

- 17 a) Public service announcements that are shorter than ten (10) minutes.
18 b) Programs shown in the early morning hours from 1:00am to 6:00am.
19 c) Programs that are primarily textual in nature.
20 d) When compliance would be economically burdensome.

21
22 **Section 4. Penalties.** - Any franchise holder or operator of television stations
23 and producer of television programs, who shall violate the provisions of this Act shall be
24 punished by a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more

1 than One Hundred Thousand Pesos (P100,000.00) or by imprisonment of not less than
2 six (6) months but not more than one (1) year, or both, at the discretion of the court.

3 In case the offender is a corporation, partnership or association, or any other
4 juridical person, the president, manager, administrator, or person-in-charge of the
5 management of the business shall be liable therefore. In addition, the license or permit
6 to operate its business shall be cancelled.

7 **Section 5. *Implementing Rules and Regulations.*** – The National
8 Telecommunication Commission and the Movie and Television Review and
9 Classification Board, in consultation with other concerned agencies and entities, shall
10 promulgate the necessary rules and regulations for the effective implementation of this
11 Act.

12
13 **Section 6. *Repealing Clause.*** - All laws, decrees, orders, rules or regulations,
14 other issuances or parts thereof inconsistent with this Act are hereby repealed or
15 amended accordingly.

16
17 **Section 7. *Separability Clause.*** - If any provision of this Act is declared invalid,
18 other parts or provisions thereof not affected thereby shall remain and continue to be in
19 full force and effect.

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21 **Section 8. *Effectivity.*** - This Act shall take effect fifteen (15) days after
22 publication in two (2) newspapers of general circulation.

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24 Approved,

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