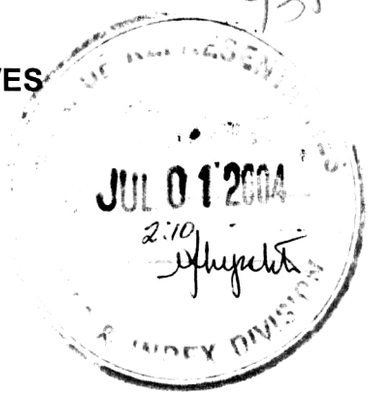
935

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Manila



THIRTEENTH CONGRESS

First Regular Session

House Bill No. 935

Introduced by REP. JUDY J. SYJUCO

EXPLANATORY NOTE

From their track records, neither government nor private business has proven efficient in providing for the present and future needs of the Filipinos, despite the large share of natural resources they have obtained and appropriated from regime to regime.

With a quarter of the population, or over 18 million, remaining so poor that their consumption is below the level required to sustain a minimum standard of living, there is good reason to conclude that government and private business have – separately or in tandem – failed to improve the lot of the Filipino.

Ideally, both systems exist to serve the people by producing and delivering valuable goods and services. To be able to perform, both must have power over resources and people: the state with powers of coercion and taxation, business with the power of capital. Power is susceptible to abuse, although governed by ground rules set by morality, custom, exigency and law.

It is the rule of exigency that must be invoked in this case.

There had been a wave of earnest visits to the Senate, each delegation peppered by celebrity and decked with showbiz glamour – the kind that has earned publicity and adoring support for the Anti-Piracy measure.

Eager to score brownie points with a disillusioned media and populace, the police have cracked down, with increasing enthusiasm, on the economic "pirates," mostly middle-class retailers and even small *bangketa* businessmen. Encouraged by the klieg lights, our law enforcers have confiscated, in mass number, tapes, compact discs (CDs) and video compact discs (VCDs) much to the satisfaction of leaders of our entertainment industry.

While the right to intellectual property is one that must be upheld, there has been lost in this unfolding drama a basic truism: that the very poor who constitute the primary customers of these inexpensive tapes, CDs and VCDs possess fundamental and Constitutionally-guaranteed rights to the pursuit of happiness, and thus, by dint of logic, rights to entertainment.

We commiserate deeply with the entertainment artist who devotes much of his productive life to the honing of his craft. But we cannot help observing that most in the industry are not as deprived as the majority of Filipinos whose economics necessarily dictate a 30-peso rather than a 350-peso disc, or a 50-peso rather than a P425-peso disc as the case maybe.

Besides, what does the artist have to lose from patronage of such discs in the market? Does he not, in fact, gain the gratitude and good will of the millions of poor he calls fans? Is it not, after all, his moral and social obligation to extend and share God-given talent with the less fortunate?

In the first place, much of the God-given talent we owe to a benevolent Creator who breathed the breath of life into all creation. If it belongs primarily to a sovereign God, then it is that talent not, in fact, public domain? Even so, an artist, motivated as he is by the desire for self-expression, will produce art – whether or not economic reward or premium is derived from his art.

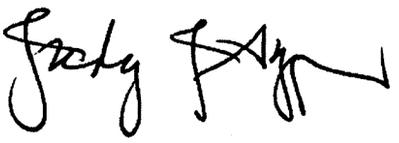
Further, what economic or social value is to be found in the apprehension, seizure and confiscation of these entertainment media? Confiscation will, presumably, lead to mass destruction of such media, depriving both producer and user of any economic or entertainment value.

Besides, the proliferation of such media also implies the crying need for artists and legitimate producers/manufacturers to dramatically bring down the cost of production – an extreme option, at this time, that will deprive them of the returns generated by that sector of the consuming population which can afford original media while denying them a lion's share of the expected proceeds of such sales from this sector.

This bill, therefore, appeals to the compassionate nationalist it believes must reside in every legislator and in every member of the entertainment industry.

It seeks social equity, and political and moral balance, by declaring a temporary, five (5)-year moratorium on the confiscation, seizure and apprehension of such discs already prevailing in the market, until a law can be passed that can effectively resonate the right to life and pursuit of happiness for the vast majority and the intellectual rights that artists and producers in entertainment that must be maintained

In the name of these all, approval of this bill is earnestly sought.



JUDY J. SYJUCO

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AN ACT
DECLARING A TEMPORARY MORATORIUM, THE EFFECTIVITY OF WHICH SHALL BE HEREIN PRESCRIBED, ON THE APPREHENSION, SEIZURE AND CONFISCATION OF PIRATED COMPACT DISCS, VIDEO COMPACT DISCS, AND CASSETTE AND VIDEO CASSETTE TAPES IN THE COUNTRY FOR THE PURPOSE OF ASSURING EQUITABLE ACCESS TO ENTERTAINMENT, PARTICULARLY OF THE POOR, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the "Emergency Equitable Access to Entertainment Act of 2004."

SECTION 2. *General Principles.* – It shall hereby be declared the policy of the State to protect the right to happiness, and thus the right to wholesome entertainment, of every Filipino. Towards this end, the State shall take steps to assure, in the interim, the supply of reasonably-priced forms of such wholesome entertainment to majority of the Filipino population.

SECTION 3. *Temporary Moratorium.* – A temporary moratorium is hereby declared on the apprehension, seizure and confiscation of pirated compact discs, video compact discs, and cassette and video cassette tapes in the Philippines.

SECTION 4. *Period of Moratorium.* – Such temporary moratorium shall be effective for five (5) years following the effectivity of this Act. It may be extended, upon the approval of the President, if existing economic conditions so warrant the expiry of such a moratorium will adversely affect the right to entertainment of majority of Filipinos.

SECTION 5. *Rationalization of Prices in the Industry.* – The Department of trade and Industry (DTI) is hereby mandated to immediately undertake a comprehensive, industry-wide assessment of the pricing mechanism prevailing over the entertainment industry, in respect to production, distribution and marketing of compact discs, video compact discs, and cassette and video cassette tapes in the country. It shall submit the results of such assessment to Congress, within the first year of the implementation of this Act, so that appropriate legislation can be introduced to rationalize prices in the entertainment industry.

SECTION 6. *Implementing Guidelines.* – The Videogram Regulatory Board (VRB) is hereby mandated to establish the Implementing Rules and Regulations of this Act, not less than fifteen (15) days following its signing into law.

SECTION 7. *Repealing Clause.* - All prescriptions of law contrary to the spirit and intention of this Act are hereby repealed.

SECTION 8. *Effectivity Clause.* – This Act shall take effect immediately upon its approval.

Approved,