

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 4249

Introduce by the **HONORABLE BERNADETTE R. HERRERA-DY**

EXPLANATORY NOTE

The Movie and Television Review and Classification Board (MTRCB) which was created under Presidential Decree No. 1986 was tasked, among others, to: APPROVE, DISAPPROVE OR PROHIBIT the importation, exportation, sale, exhibition and/or television broadcasts of movies or motion programs which are objectionable for being immoral, indecent, contrary to law and/or good customs, injurious to the prestige of the Republic of the Philippines or its people, or with dangerous tendency to encourage the commission of violence or of a wrong or crime; GRANT, DENY or CANCEL PERMITS for the Importation, exportation, production, copying, distribution, sale, exhibition, and/or television broadcast of such movies or motion pictures and television programs; CLOSE MOVIEHOUSES and other similar establishments engaged in the public exhibition of such movies or motion pictures and television programs; and CAUSE the PROSECUTION of violators of the Decree.

Notwithstanding the clear and unequivocal provisions of the Decree, the MTRCB has not shown a determined, positive and sustained effort to exercise and uphold its powers, so that it is of public knowledge that the production, importation, distribution, sale, exhibition and showing in movie houses and similar establishments including television broadcasts of movies, television shows and programs, which are immoral, Indecent, contrary to law and/or good customs, encourage the commission of, or cater to, violence, or glorify criminals, has continued unabated to the detriment of the people, especially our youth and the family. Let us put special attention and concern to the preservation and upliftment of our moral values for the sake of our country and our people. Surveys have shown that the commission of many crimes against chastity, persons and property are influenced by such kind and quality of movies being produced, sold, distributed and exhibited, and television shows and programs being shown. On this premise alone, the MTRCB has miserably failed

to carry out its mandate, hence, its existence and continued operation has become USELESS. Consequently, it must be ABOLISHED NOW.

This Bill, therefore, seeks the abolition of the MTRCB and the creation in its stead of a COMMISSION, which is not directly under the Office of the President of the Republic of the Philippines, with less membership than the MTRCB, but with more stringent provisions to enable it to effectively carry out its mandate.

The immediate passage of this Bill is therefore earnestly requested.



BERNADETTE R. HERRERA-DY

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AN ACT

CREATING THE MOVIE AND TELEVISION CONTROL COMMISSION, ABOLISHING THE MOVIE AND TELEVISION REVIEW AND CLASSIFICATION BOARD, AND FOR OTHER PURPOSES

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

Section 1. Declaration of Policy. It is the policy of the State to value the dignity of every human person, promote and protect the moral, spiritual and social well-being of its citizens especially the youth, and develop moral character and personal discipline. Toward this end, the State shall see to it that only movies and television shows or programs which are not immoral, indecent, contrary to law or good customs, do not encourage the commission of or cater to crime or violence or glorify criminals, are produced, imported, exported, distributed, sold, shown or exhibited, realizing the great influence and impact that movies and television shows or programs have on the minds and lives of people.

Section 2. Creation. – There is hereby created a Movie and Television Control Commission, hereinafter referred to as the COMMISSION, which shall have its principal office within Metro Manila.

Section 3. Composition, Qualification and Compensation. – The COMMISSION shall be composed of a Chairman, a Vice-Chairman and fifteen (15) members who shall be appointed by the President of the Republic of the Philippines. The Chairman and Vice-Chairman shall serve for a term of three (3) years, while the Members shall serve for a term of two (2) years; Provided, that they shall be eligible for re-appointment after the expiration of their term; Provided, further, that if any

of them fails to complete his term, the person appointed to fill the vacancy shall serve only for the unexpired portion of the term of the COMMISSION member whom he succeeds.

No person shall be appointed to the COMMISSION, unless he is a citizen of the Philippines, at least thirty (30) years of age, of good moral character and standing in the community, not a stockholder, officer, officer partner or owner of any television station, or any entity engaged in the production, sale distribution,, importation, exportation, showing or exhibition of any movie, not related to the President of the Republic of the Philippines, or with the President or owner of any entity engaged in the production, sale, distribution, importation, exportation, showing or exhibition of movies, or to the President or owner of a television station, by affinity or consanguinity within the fourth civil degree; Provided, that the Chairman should be a member of the Integrated Bar of the Philippines and the Vice-Chairman should be head or leader of a Church, Religion or religious organization or an established non-partisan non-government organization; Provided, further, that the fifteen (15) members shall come from the following sectors: five (5) from the religious sector, four (4) from the movie and television industry, three (3) from the academe, and three (3) from the business community, other than the movie and television industry.

The Chairman of the COMMISSION shall have a rank equivalent to a Cabinet Undersecretary while the Vice-Chairman and the fifteen (15) members shall have a rank equivalent to a Department Head, and as such they shall receive salaries, allowances and other benefits corresponding to such positions.

Section 4. Powers and Functions. - The COMMISSION shall have the following functions, powers and duties:

- a) To promulgate rules and regulations necessary or proper for the effective implementation of this Act and accomplishment of its purposes, and for the discharge of its powers and functions;
- b) To screen, review, examine, approve and issue permits for showing or exhibition, production, sale, copying, distribution, importation or exportation of movies or motion pictures;
- c) To delete any portion, or disapprove or prohibit the production, showing or copying, exhibition, including television broadcast, sale, distribution, importation or exportation, of any movie or motion picture, as well as the showing of television shows or programs, which in the judgment of the COMMISSION is immoral, indecent, contrary to law and/or

good customs, encourages the commission of or caters to crimes, violence or glorify criminals; Provided, that such deletion or cuts must be made on the master negative of the films and such master negative shall be deposited with the Films Archives of the Philippines which shall not be returned to the film owner except upon Court order;

- d) To disapprove or prohibit the production, showing or exhibition, sale, lease or distribution of motion pictures or television shows or programs which deal with the traffic in or use of prohibited drugs, including those which pertain to cases pending in court or quasi-judicial bodies or tribunals; Provided, that the movie or motion picture disapproved under this paragraph and the immediately preceding paragraph shall not be returned to the owner thereof but shall be deposited with the Films Archives of the Philippines which shall not be returned to the owner thereof except upon court order;
- e) To deny or cancel, permits for the importation, exportation, production, copying, distribution, sale, lease, exhibition and/or television broadcast of all motion pictures or television programs and public materials which fall under the paragraphs c and d of this Section;
- f) To close or censure movie houses and other similar establishments which are found showing or exhibiting movies or motion pictures without permit from the COMMISSION or previously disapproved or prohibited for showing or exhibition by the COMMISSION or which contains or includes any portion cut or deleted or ordered to be cut or deleted by the COMMISSION under paragraph c of this section;
- g) To classify motion pictures, television programs and similar shows into categories such as "G" or "For General Patronage" (all ages admitted), "P" or "Parental Guidance Suggested," "R" "Restricted" (for adults only) or such other categories as the COMMISSION may determine for the public interest;
- h) To inspect by itself or through its duly authorized representative all public exhibitions of any movie or motion picture or other materials in movie houses, theaters or other public establishments and immediately seize any article not approved for showing by the COMMISSION or deleted by it, and to cause the prosecution, on behalf of the People of the Philippines, or violators of this Act;
- i) To levy, assess and collect, and periodically adjust and revise the rates of, fees and charges for the screening, review and examination of movies or motion picture, television shows or programs and other materials, and for the issuance of licenses and permits which the COMMISSION is authorized to grant or issue in the exercise of its powers and functions;

- j) To call on or deputize any law enforcement agency for assistance in the exercise of its powers and functions and the enforcement of its decisions or orders;
- k) To promulgate its internal and operational procedures including the creating and vesting of authority upon sub-committees of the COMMISSION for the screening, review and examination of movies or motion pictures and television programs; and
- l) To exercise such other powers as may be necessary or incidental to the attainment of the objectives of this Act.

Section 5. Decision. – The COMMISSION shall render its decision, either approving or disapproving and/or prohibiting the showing or exhibition or deleting or cutting off of a portion or part of, a movie or a motion picture, or other material within ten (10) days from the date of receipt by the COMMISSION of such movie, or motion picture, television program, or material for examination and review. The Chairman of the COMMISSION shall designate a sub-committee composed of three (3) members of the COMMISSION to undertake such examination and review. Any decision taken which shall be in writing must be approved by a majority of the sub-committee members so designated subject to final approval by the Chairman of the COMMISSION upon recommendation by the Vice-Chairman. In case the decision is for disapproval or deletion, the same shall state the grounds thereof. Within five (5) days from receipt of the written decision of the sub-committee disapproving or deleting a portion or part of the movie or motion picture, television program or other materials examined and reviewed, the aggrieved party may file a written motion for reconsideration, whereupon the Chairman of the COMMISSION shall designate a special sub-committee composed of five (5) members which shall include the Vice-Chairman of the commission. Any decision of such special sub-committee must be approved by a majority of the members thereof, which decision shall be final and no further motion for reconsideration or appeal shall be entertained.

Section 6. The Chairman. – The Chairman of the COMMISSION shall be its Chief Executive Officer who shall have the following functions, powers and duties:

- a) Execute, implement and enforce the decisions, orders, rules and regulations issued by the COMMISSION;
- b) Direct and supervise the operations and internal affairs of the COMMISSION;

- c) Determine and establish the organizational structure and staffing pattern, including the administrative procedures of the COMMISSION and recommend to the COMMISSION the appointment of necessary personnel;
- d) Collect and enforce by all legal means the collection of the fines awarded under Section 19 of this Act; and
- e) Exercise such other powers and functions and perform such duties as may be necessary or incidental in attaining the objectives of this Act.

The Chief Executive Officer shall be assisted by the Vice-Chairman of the COMMISSION.

Section 7. Examination and Review. – Only the members, Chairman and Vice-Chairman of the COMMISSION and such persons as may be authorized by the COMMISSION shall be allowed inside the screening room during the examination and review of any movie or motion picture, television program or any material submitted to the COMMISSION for the purpose; n Provided, that before each review session, the distributor or producer shall submit to the COMMISSION a sworn statement declaring the exact number of prints made for the movie or motion picture or material to be examined or reviewed and that the same is not among those prohibited under Section 4-c and 4-d of this Act; Provided further, that any false declaration made shall subject the distributor or producer concerned to criminal liability.

Section 8. Unauthorized Showing or Examination. – It shall be unlawful for any person or entity to exhibit or show, or cause the exhibition or showing in any moviehouse, theatre or public place or by television any movie or motion picture, television any movie or motion picture, television program or material, including trailers, and stills for lobby displays in connection thereto not previously approved for showing or exhibition by the COMMISSION.

Section 9. Posting and Display of Certificate of Approval. – The movie or motion picture exhibitor shall post and/or display the certificate or label of approval or disapproval of such movie or motion picture by the COMMISSION including the classification thereof as provided under Section 4-g of this Act at conspicuous places near the entrance to theaters, moviehouses or other places of showing or exhibition.

Section 10. Admission to Moviehouses or Theaters. - It shall be unlawful for any person below eighteen (18) years of age to enter, or misrepresent his age to gain entrance of admission into, a moviehouse or theater showing a movie or motion picture classified as "R" "Restricted" or "For Adults Only" by the COMMISSION. It shall also be unlawful for any employee of a moviehouse or theater to sell tickets to, or allow the admission of, any person below eighteen (18) years of age to view such class of movies or motion pictures. In case of doubt as to the age of any person, he shall be required to present any proof of his age, failing in which he shall not be sold such ticket and shall be denied admission.

Section 11. Definition of Terms. - For purposes of this Act, the terms movies or motion picture, television broadcast, general viewing, an adult, and review session shall carry the same meaning as provided for under Section 10 of Presidential Decree No. 1986.

Section 12. Abolition of the Movie and Television Review and Classification Board.
- The Movie and Television Review and Classification Board (MTRCB) created under Presidential Decree No. 1986 is hereby abolished and its Powers and Functions, including the corresponding balances of appropriations, sinking funds, records, equipments, properties, and such personnel as may be necessary are hereby transferred to the COMMISSION. All personnel affected by the abolition shall be deemed separated from service, unless reappointed by the COMMISSION. Any affected officer or employee not reappointed, or who refuses to be reappointed shall be paid the money value of his accumulated vacation and sick leaves and such retirement benefits as may be due him under existing laws; Provided, that any person not qualified for retirement shall be paid a gratuity of one month's salary for every year of service, a fraction of six months being considered as one whole year, payable in lump sum based on the highest monthly received.

The incumbent officers and personnel of the MTRCB shall continue to perform their duties and functions in a hold-over capacity, until the Chairman and at least eight members of the COMMISSION shall have been appointed and qualified.

Section 13. Organization and Personnel. - The COMMISSION 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 a Secretary of the COMMISSION who shall be the custodian of the records of the meetings of the

COMMISSION and who shall perform such other duties and functions as may be directed by the COMMISSION.

Section 14. Applicability of the Civil Service Law. – The COMMISSION and its officers and employees shall be subject to the Civil Service Law, rules and regulations.

Section 15. Audit. - The COMMISSION shall be audited by the Commission on Audit which shall prepare and submit to the COMMISSION an annual report and such other reports as may be required under the existing rules and regulations on the matter.

Section 16. Annual Report. - The COMMISSION shall, within two (2) months after the end of every fiscal year, submit its annual report to the President, which report shall contain, among others, a statement of the COMMISSION'S accomplishments together with its plans and recommendations for the year.

Section 17. Fund. - Notwithstanding any provision of law, rule, regulation, executive or administrative order to the contrary, there is hereby established a Fund to be administered by the COMMISSION which shall be at the immediate disposal of the COMMISSION to be used exclusively for the operational and administrative expenses of the COMMISSION and for the acquisition of necessary facilities.

Section 18. Budget. - The budget for the MTRCB as of the effectivity of this Act shall be the budget of the COMMISSION. Thereafter, the budget of the COMMISSION shall be included in the annual General Appropriations Act.

Section 19. Penal Clause. - Any person who violates any provision of this Act and/or the implementing rules and regulations that may be issued by the COMMISSION, shall, upon conviction, be punished by imprisonment of not less than three (3) years and a fine of not less than Two Hundred Thousand Pesos (P200,000.00) nor more than Five Hundred Thousand Pesos (P500,000.00) which fine shall form part of the Fund created under Section 17 of this Act; Provided, that such penalty shall be imposed whether the guilty person is a principal, accomplice or accessory; Provided further, that if the violation is committed by a juridical person, the President, General Manager, Secretary, Treasurer, Partner, and Members of the Board of Directors thereof shall be held criminally liable and

the fine herein provided shall be imposed upon them individually; Provided furthermore, that if the offender is an alien, he shall, after serving his sentence, be deported immediately without further proceedings; Provided finally, that the provisions of the Probation Law shall not apply to any person convicted for any violation of this Act.

Section 20. Repealing Clause. - Any law or provision of law, decree, executive or administrative order, rule or regulation inconsistent with this Act is hereby repealed, amended or modified accordingly.

Section 21. Separability Clause. - If for any reason any section or provision of this Act, or any portion thereof, or the application of such section or provision thereof is invalid or unconstitutional, the remaining provisions of this Act shall not be affected by such declaration and shall remain in force and effect.

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

Approved,