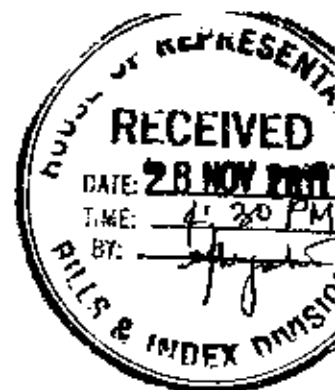


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



FIFTEENTH CONGRESS
Second Regular Session

...)C 5561
HOUSE BILL No. _____

INTRODUCED by Reps. TEDDY A. CASINO, NERI JAVIER COLMENARES,
RAFAEL V. MARIANO, LUZVIMIDA C. ILAGAN, RAYMOND V. PALATINO,
EMMI A. DE JESUS, and ANTONIO L. TINIO

EXPLANATORY NOTE

The Constitution provides for the right to freedom of expression. Such freedom extends and manifests in the field of motion pictures and television programs.

However, the country's experience especially in years past with the Movie and Television Review and Classification Board (MTRCB), shows how the agency, in the fulfillment of its duties, has violated or curtailed this constitutionally-guaranteed freedom. There have been many incidents of films and television programs that were censored or slapped with an "X" rating due to its critical political or social content. Likewise, many artistic films have been censored or banned due to the MTRCB's myopic and mechanical application of its classification criteria.

The MTRCB Charter, Presidential Decree 1986 still exists despite its many built-in violations of many provisions of the 1987 Constitution.

The MTRCB has a history of violating the right to freedom of expression. From the pre 1972 Board of Censors for Motion Pictures (BCMP), the Interim Board of Censors for Motion Pictures to the Board of Review for Motion Pictures and Television (BRMPT) – all having censorial powers that remain in the existing MTRCB Charter. PD 1986 is in fact a verbatim reproduction of the defunct BRMPT.

Thus, to ensure that freedom of expression shall continue to be protected and promoted in motion pictures and television programs, and in accordance with the highest law of the land, fundamental measures must be put in place in order to avoid any curtailment thereof.

This proposed measure shall ensure that the MTRCB shall exist to primarily classify motion pictures and television programs in order to aid citizens, especially parents, in guiding and/or supervising their children and young adults in making choices with regard to films and television programs.

To significantly lessen, if not prevent, any abuse of discretion on the part of the MTRCB in the classification of any material, clear, specific and reasonable standards shall be used and applied in the performance of such duty, namely, the well-settled "Miller doctrine" and the "clear and present danger rule."

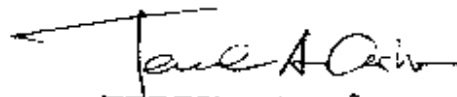
This proposed measure likewise recognizes the right of institutions and establishments exercising academic and cultural freedoms to continue publicly showing any material free from any involvement of the MTRCB as regards classification and permit therefore. This is necessary in order to provide a climate of expression free from any restraint in the dissemination of ideas.

Finally, the bill aims to sanction the eventual self-regulation of the film and television industry. The members of the industry are mature and responsible, and should be supported in their effort to regulate themselves.

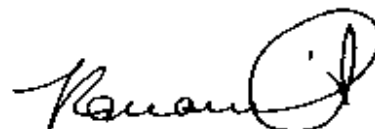
The country has a mature, politicized and critical audience who should be allowed the freedom of choice without any censorship. The authors look forward to a Board that will work together with artistic, cultural and educational institutions in crafting arts and culture policies that promote independent and critical thinking which serves the needs of a nation towards genuine development.

It is in this light that the approval of this measure is urgently sought.

Approved.

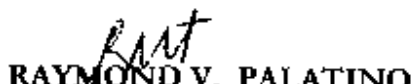

TEDDY A. CASINO
 Bayan Muna Party-list

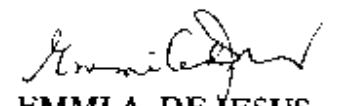
NERI JAVIER COLMENARES
 Bayan Muna Party-list


RAFAEL V. MARIANO
 Anakpawis Party-list


ANTONIO L. TINIO
 ACT Teachers Party-list


LUZVIMINDA C. ILAGAN
 Gabriela Women's Party


RAYMOND V. PALATINO
 Kabataan Party-list


EMMI A. DE JESUS
 Gabriela Women's Party

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. **5561**

INTRODUCED by Reps. TEDDY A. CASINO, NERI JAVIER COLMENARES,
RAFAEL V. MARIANO, LUZVIMIDA C. ILAGAN, RAYMOND V. PALATINO,
EMMI A. DE JESUS, and ANTONIO L. TINIO

AN ACT
REORGANIZING THE MOVIE AND TELEVISION REVIEW AND
CLASSIFICATION BOARD AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* - This Act shall be called the "MTRCB Reorganization Act of 2011."

SEC. 2. *Declaration of Policy.* - It is a declared policy of the State that freedom of expression shall not be abridged. It is settled that motion pictures and television shows are imbued with public interest and that the State is concerned with the use of these mediums for the cultural, educational, and artistic development of all Filipinos. As a means to ensure that freedom of expression shall continue to be protected and promoted, clear and specific and reasonable standards for the classification of motion pictures and television programs shall be used and applied. It is likewise hereby declared the policy of the State to sanction the eventual self-regulation of the film and television industry. Any doubt in the interpretation of this Act shall be resolved in favor of the protection and promotion of freedom of expression.

SEC. 3. *Definition of Terms.* - For purposes of this Act, the following terms are defined as follows:

- (1) "**Adult**" shall refer to any person at least eighteen (18) years of age;
- (2) "**Advertisements**" shall refer to any oral, written, or graphic statement of notice that solicits patronage of a product or service when the same is shown in movie theaters, cinemas or on television;
- (3) "**Board**" shall refer to the Executive Board of the MTRCB;
- (4) "**Chairperson**" shall refer to the chairperson of the Executive Board of the MTRCB;

(5) **"Classification"** shall refer to the examination of motion pictures and television programs for purposes of the audience classification thereof;

(6) **"Committee"** shall refer to the Appeals Committee of the MTRCB;

(7) **"General viewing"** shall refer to making motion pictures available to the general public for its viewing through convenient film packs or similar materials, sold, leased, or lent in commercial outlets, public lending clubs or similar organizations;

(8) **"Live programs"** shall refer to any television program containing events which are happening simultaneously as it is actually being broadcast;

(9) **"Movie theaters and cinemas"** shall refer to places where a person seeks admission, with or without an admission fee, whether for profit or not, and whether for commercial and proprietary purposes or not, to view a motion picture;

(10) **"Motion picture"** shall refer to a series of pictures projected on screen in rapid succession, with the objects shown in successive positions slightly changed so as to produce the optical effect of a continuous picture in which the objects move, whether the picture be black and white or colored, silent or with accompanying sound, on whatever material they are preserved or recorded for instant projection. For the purpose of this Act, the materials in which the motion picture is contained, preserved or recorded, forms an integral part of the motion picture subject of this Act;

(11) **"MTRCB"** shall refer to the entire organizational structure of the Movie and Television Review and Classification Board comprised of the Executive Board, the Secretariat and the Appeals Committee;

(12) **"Newscast or news program"** shall refer to reports of happenings of recent occurrences of a varied character, such as political, social, moral, religious and other subjects intended for the information of the general public. It shall also refer to straight news reporting as distinguished from news analyses or editorials, commentaries and opinions;

(13) **"Regular theatrical distribution"** shall refer to public showing or exhibition in a cinema or theater for commercial and proprietary purposes, and imposing an admission fee primarily for profit on person or persons seeking admission thereto.

(14) **"Non-regular theatrical distribution"** shall refer to:

(a) Public showing or exhibition of long and short motion pictures through the use of mobile projection equipment not imposing admission fee; or

(b) Public showing or exhibition of long and short motion pictures to individuals, organizations, societies, clubs, groups, or associations such as materials for educational, documentary, cultural, scientific, political, news programs, civic, cause-oriented, industrial, sales, public relations and instructional films.

Provided, That under (a) and (b) above, if an admission fee is imposed, the same shall be minimal in amount and only for the purpose of sustaining the operations of the institution or establishments concerned: *Provided further,* That the right of institutions or establishments exercising academic and/or cultural freedom to publicly show any long and short motion pictures, regardless of the classification, if any, given by the MTCRB and without the need to secure a permit therefore, shall not be diminished by this Act;

(15) **"President"** shall refer to the President of the Republic of the Philippines;

(16) **"Public affairs program"** shall refer to a television program which discusses or presents topics or issues of public interest which may affect the welfare of the public but may also include entertainment. Public affairs programs are presented in any of the following formats such as , but not limited to, interview, documentary, investigative report, talk show, debate, open forum, public service, news magazine and infotainment;

(17) **"Publicity materials"** shall refer to any material employed to generate public interest in a motion picture or television program, layouts for print publication, press release or advertorials, still photos, leaflets, posters and billboards;

(18) **"Television broadcast"** shall refer to public showing transmitting sound or images by television, cable television or similar equipment;

(19) **"Television program"** shall refer to any matter aired of broadcast on television and cable television including live programs, advertisements, teleplays and motion pictures originally shown in movie theaters, cinemas or similar establishments; and

SEC. 4. Re-organization. The MTCRB is hereby reorganized.

The MTCRB shall be composed of an Executive Board, a Secretariat and an Appeals Committee.

The MTCRB shall be under the Office of the President and shall have its principal office in Metropolitan Manila.

SEC. 5. Composition of the Executive Board. - The MTCRB, herein referred to as the Executive Board, shall be composed of at least 30 members but not exceeding 50; one of which shall be the Chairperson, as designated by the President.

Fifty percent (50%) of the members shall be appointed by the President from a list of nominees provided by the existing associations of the film production and television production associations. Nominees shall have at least five (5) years experience and are of proven competence in any of the film or television fields of directing, writing, acting, cinematography, editing, production design, and musical scoring.

The other fifty percent (50 %) of the members shall be appointed by the Chairperson and shall come from the following fields: art, literature and creative writing; humanities; journalism and

broadcast communication; social work and psychology: *Provided*, That three (3) members shall be members of the Philippine Bar who come from any of the fields herein mentioned and who have been in at least three (3) years practice of the profession.

The vice chairperson shall be elected by the majority of the Board from among themselves. A majority of all the members shall constitute a quorum, and a majority of all the members present when there is quorum shall have the power to conduct business.

They shall hold office for a fixed term of one year, unless sooner removed by the President for cause and after due process as provided for in the Philippine Constitution and Republic Act 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees; *Provided*, That the Chairperson shall serve for a period of three (3) years unless sooner removed by the President for cause.

SEC. 6. *Compensation* - The chairperson and vice-chairperson shall receive salary and allowances based on the current approved standardized government compensation.

The members of the Board shall be entitled to honoraria subject to existing laws, rules and regulations.

SEC. 7. *Powers and Functions* - The Board shall have the following functions, powers and duties:

- (1) To formulate and implement such policies and programs as are necessary or proper for the accomplishment of the purpose and objectives of the Executive Board and the Secretariat;
- (2) To formulate and implement a standard and numeric system and other systems which are deemed necessary for the classification of movies, television programs, and publicity materials related thereto;
- (3) To deputize representatives from the government, various civic organizations and concerned sectors, including the local government units whose main duties shall be to help in monitoring compliance with, and report violations of the provisions of this Act, its rules and regulations and other pertinent laws;
- (4) To levy, assess and collect, periodically adjust and revise, the rates of fees and charges for the work of review and classification and for the licenses, and permits granted by the Board;
- (5) To impose the following administrative sanctions: imposition of fines and penalties, suspension or cancellation of the exhibition of television programs or theatrical motion pictures, and the suspension or closure of television stations, movie theaters, cinemas or similar establishments engaged in the public exhibition of motion pictures and television programs which violate the provisions of this Act and its rules and regulations;
- (6) To prescribe internal and operational procedures for the exercise of its powers and functions, the performance of its duties and responsibilities and other related matters;

(7) To cause the prosecution of violators of this Act and other pertinent penal laws in behalf of the people of the Philippines;

(8) To screen, examine, and classify motion pictures, television programs and related publicity materials and advertisements intended for public exhibition in movie theaters, cinemas or similar establishments, television, whether imported or produced in the Philippines, before they are copied, distributed, sold, leased, exhibited or broadcasted in the Philippines into any of the following categories as provided in Section 15 of this Act. The Board may, if deemed necessary, consult the particular marginalized sector or sectors that may be affected by the material subject of the classification.

(9) To examine and inspect the public exhibitions of motion pictures, television programs and publicity materials pertaining thereto in movie houses, theaters and similar establishments and television.

(10) Upon discovery of any violation of the provisions of this Act, to:

(a) Cause the immediate seizure of such motion picture, television program and/or publicity material provided that a written notice indicating the violation/s committed be given to the affected party three (3) days before the actual seizure;

(b) Cause the revocation of the permit to exhibit of the motion picture or publicity material; and/or

(c) To exercise such other functions and to perform other related duties and responsibilities as may be directed by the Board.

(11) To exercise such other powers and functions as may be necessary or incidental to the attainment of the purposes and objectives of this Act and to perform other related duties and responsibilities as may be directed by the President.

SEC. 8. *Appeals Committee.* - There is hereby created an Appeals Committee, herein referred to as the Committee, composed of five (5) members to be appointed by the President to a fixed term of one year.

The members of the Committee shall come from the nominees chosen by the following agencies: National Commission on Culture and the Arts (NCCA) National Committee on Cinema; Film Development Council of the Philippines (FDCP); Cultural Center of the Philippines (CCP); and the University of the Philippines College of Mass Communication (UP CMC), provided that each agency must be represented in the Committee.

The members of the Committee shall elect among themselves their committee chairperson.

The Committee shall conduct its business when there is the presence of a simple majority of the members to constitute a quorum.

If any member fails to complete his or her term, the person appointed to fill the vacancy shall be selected from the nominees chosen by the aforementioned agencies and shall serve only for the unexpired portion of the term of the member whom he or she succeeds unless appointed for another term.

The Appeals Committee shall be empowered to cancel, overrule or supersede any classification, review, re-classification, and decision, made by the classification reviews made by the Executive Board.

SEC. 9. *Compensation of the Committee Members.* - A member of the committee shall receive an honorarium for each material actually classified, the amount of which shall be set by the Board subject to existing government rules and regulations and sourced from the budget of the Office of the President.

SEC. 10. *Chief Executive Officer, Powers and Functions, and Compensation.* - The Chairperson shall be the chief executive officer of the Board and Secretariat. The chief executive officer shall exercise the following powers and functions:

- (1) Execute and administer the policies, decisions, orders, resolutions and the implementing rules and regulations issued by the Board or the Appeals Committee;
- (2) Direct and supervise the operations and internal affairs of the Board and Secretariat;
- (3) Establish the internal organization and administrative procedures for the approval of the Board;
- (4) Recommend to the Board the appointment or transfer of employees of the Board and Secretariat;
- (5) Recommend to the Board the suspension or dismissal for cause of its officials or employees;
- (6) Submit an annual budget to the Board for its approval;
- (7) Delegate his or her authority, in whole or in part, to other members of the Board, in accordance with the rules and regulations of the MTRCB; and
- (8) Perform such powers and functions as may be authorized by the Board.

SEC. 11. *Executive Director, Powers and Functions, and Compensation.* The chief executive officer shall be assisted by an executive director who shall be the head of the MTRCB secretariat herein created and shall be in charge of the day-to-day operations of the Board.

The executive director shall be appointed by the Chairperson, subject to the approval of the Board, and shall have the rank and salary equivalent to Director IV under the compensation and classification structure of the government.

The executive director should be co terminus with the chief executive officer.

SEC. 12. MTRCB Secretariat - The MTRCB Secretariat is hereby retained.

SEC. 13. Classification Categories - The Committee and the Board shall classify all motion pictures, television programs and publicity materials related thereto for public viewing only according to the following categories.

(1) For Theatrical Exhibition of Live Action and Animated Motion Pictures:

a) "G" or "General Audience" (All Ages Admitted) - for motion pictures that, in the judgment of the

MTRCB, contain nothing that would be deemed offensive by parents whose young children were to view the material.

b) "PG-13" or "Parental Guidance-13" (Parents Strongly Cautioned) - for motion pictures that, in the judgment of the MTRCB, contain such material which go beyond a "G" classification in theme, violence, nudity, sensuality, language or other contents but does not fit the "R-13" and "R" classifications. Parents are strongly cautioned to give special attention to such material before allowing their minor children to view them. Children below 13 years old may view a "PG-13" motion picture only if accompanied by a parent or an adult.

c) "R-13/PG-18" or "Restricted to 13 years old and above/Parental Guidance-18" - for motion pictures that, in the judgment of the MTRCB, contain such materials which go beyond a "PG-13" classification in theme, violence, nudity, sensuality, language or other contents but does not fit the "R" classification. Parents are strongly cautioned to give special attention to such material before allowing their minor children to view them. No person below 13 years of age can be allowed to watch it. Those aged between 13 and 18 years shall be allowed to view an "R-13/PG-18" picture only if accompanied by a parent or an adult guardian.

d) "R-18" or "Strictly for Adults" (Restricted or For Adults Only) - for motion pictures that, in the judgment of the MTRCB, contain adult material, vulgar or profane language, considerable sex and violence, sexually oriented nudity, tolerant depiction of aberrational behavior, drug use, or a combination of all of the above. No person below 18 years old shall be allowed to watch a material with an "R-18" classification.

Movie theaters, cinema or similar establishments shall assign units for the screening of motion pictures classified with "R-18" or "Strictly for Adults" in the MTRCB's Classification Categories.

e) "R 18- not for regular theatrical release" - for motion pictures and materials that, in the judgment of the MTRCB, are completely obscene or violent and inimical to public interest.

A motion picture or material shall be considered obscene only when the same clearly meets all of the following elements:

- (i) The average person, applying contemporary community standards, would find the work, taken as a whole, appealing to prurient interest and satisfying only the market for gratuitous sex and violence;
- (ii) The work depicts or describes sexual conduct in a patently offensive way; and
- (iii) The work, taken as a whole, and viewed within its context, manner of presentation, intention and culture, lacks serious literary, artistic, political or scientific value.

A motion picture or material shall be considered violent or inimical to public interest only when the same establishes a clear and present danger of an evil of a substantive character that the State has the right to prevent: *Provided*, That the motion picture or material clearly meets all of the following elements:

- (i) The danger must not only be clear but also present;
- (ii) There must be no doubt that what is feared may be traced to the expression complained of;
- (iii) The causal connection must be evident;
- (iv) There must be reasonable apprehension about its imminence;
- (v) The danger being well-nigh must be inevitable, and not merely probable; and
- (vi) There must be clearest proof of a clear and present danger of a substantive evil to public safety, public policy, public health, public order or any other legitimate public interest.

(2) For Television/Cable Television:

- a) "G" or "General Audience" for television programs that, in the judgment of the MTRCB, contain nothing that would be deemed offensive by parents whose children were to view the material.
- b) "PG" or "Parental Guidance" - for television program pictures that, in the judgment of the MTRCB, contain such material which go beyond a "G" classification in theme, violence, nudity, sensuality, language or other contents, which parents may allow their children to watch provided they or an adult guardian is present. Parents are strongly cautioned to give special attention to such material before allowing their minor children to view them without the presence of a parent or an adult.
- c) "D" or "Disapproved for Television" - for motion pictures and programs for television broadcast that, in the judgment of the MTRCB, do not conform to the "G" or "PG" classification.

Television news and public affairs programs shall be exempted from review and classification subject to recognized standards set by the industry.

Cable television shall undertake self-regulation subject to the provisions of this Act and other existing laws and supervision by the MTRCB.

(3) For Publicity Materials:

a) "G" all motion picture trailers and publicity materials for theatrical exhibition and television broadcast shall be made suitable for a "G" or "General Audience" classification only. Motion Picture trailers or publicity materials for movies and television that do not fall within said "G" classification shall not be approved for public viewing or television broadcast in the Philippines.

SEC. 15. *Procedures and Decisions for Classification.* - The Board shall designate the members of the classification subcommittees from among the members of the Board. No Board member shall be assigned to sit on a subcommittee to classify when the said Committee member has in any way participated in the making of the said motion picture or television program.

(1) First Classification. - The material submitted shall be classified by a subcommittee composed of three (3) committee members, who shall elect the subcommittee head from among themselves. The decision of the subcommittee on first classification shall be rendered through a standard and numeric rating system or other appropriate systems as established by the Board. The presence of all members of the subcommittee is needed to constitute a quorum and to have the power to conduct business. All members thereof must view the material in full for purposes of classification.

(2) Motion for Reclassification. - An applicant may file a motion for reclassification to the subcommittee within five (5) days from notice of the decision of the subcommittee on the first classification.

(3) Second Classification; Appeal. - If the resolution of the subcommittee on the motion for reclassification is adverse to the applicant, he may file an appeal to the Chairperson within five (5) days from notice of the resolution. Within five (5) days from receipt of the appeal, the Chairperson shall designate another subcommittee to be composed of three (3) committee members, who shall elect the subcommittee head among themselves. The presence of all members of the subcommittee is needed to constitute a quorum to conduct business. All members thereof must view the material in full for purposes of classification.

The subcommittee shall conduct a second classification of the material: *Provided*, That no member from the subcommittee in the first classification shall be designated as a member during the second classification.

(4) Appeal to the Appeals Committee - The decision of the subcommittee on the second classification is immediately appealable to the Appeals Committee within a period of five (5) days from notice of the decision on the second classification.

During the appeal, the material must be viewed in full.

(5) Decisions. - All decisions of the subcommittees and the Appeal's Committee *en banc* shall be in writing and shall state the reasons and justification for the classification.

The subcommittee during the first classification shall classify the material within a period of five (5) working days from the time of the submission of the material or receipt of the motion for reclassification, as the case may be.

The subcommittee during the second classification shall classify the material within a period of five (5) working days from the time of the designation of the members thereof by the chairperson.

The Appeals Committee *en banc* shall classify the material within a period of five (5) working days from the time of the receipt of the appeal or receipt of the records in case of automatic review, as the case may be.

In no case shall the subcommittees or the Appeals Committee *en banc* render a decision without giving the director or the producer, or their duly authorized representatives, an opportunity to be heard during the actual screening and hearing of the material.

All decisions on appeals, whether during the second classification or of the Appeals Committee *en banc*, shall not give a more restrictive classification than the classification given during the first or second classification, as the case may be.

A decision shall not, in any manner, imply or suggest specific deletions or cuts of scenes, shots or dialogue for the purpose of providing the preferred classification of the applicant.

(6) A classification of "R 18 –not for regular theatrical release" or "Disapproved For Television" given by the subcommittee on the first and second review shall be submitted for automatic review to the Appeals Committee *en banc*, through the chairperson.

The decision of the Appeals Committee *en banc* shall be rendered by the members of the Appeals Committee who are present and actually participated in the automatic review. During the automatic review, the material must be viewed in full.

(7) Fees for classification – The fees for the classification of the material shall be paid only once, and the payment shall be made upon the application for classification. The fees shall be minimal based on the cost of production and the scope of distribution.

(8) Appeals from the decision of the Appeals Committee *en banc* – The decision of the Appeals Committee *en banc* shall be appealable to the Court of Appeals in accordance with Rule 43 of the Rules of Court: *Provided*, That the applicant may file an appropriate special civil action under Rule 65 of the Rules of Court in case of lack or excess of jurisdiction or grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the MTCRB.

SEC. 16. Self-regulation of the Film and Television Industry. – The film and television industry shall prepare for its eventual self-regulation within a period of twenty (20) years from the effectivity of this Act unless a different period is provided for by a subsequent law.

SEC. 17. Unauthorized Showing of Exhibition.

(1) It shall be unlawful for any movie theater, cinema or similar establishments and television network and station to exhibit or air motion pictures and television programs, including trailers and other publicity materials, without the entity or establishment first securing a permit for exhibition or airing from the MTRCB, subject to Section 3 (14) (a) and (b).

Provided, That screenings and programs of tertiary level academic institutions, governmental cultural institutions, and non-governmental cultural institutions and establishments such as but not limited to art bars, art galleries, festivals, museums, churches, or by individuals, organizations, societies, clubs, groups, or associations for educational, documentary, cultural, scientific, political, news programs, civic, cause-oriented, industrial, sales, public relations and instructional films in venues, for non regular theatrical distribution shall be free from any classification by and permit for exhibition from the Board: *Provided further*, That the said institutions and establishments shall observe self regulation.

(2) It shall be unlawful to print or cause to be printed on any motion picture, television program or publicity material a label or notice to the effect that the same has been officially approved by the MTRCB when in fact it has not been approved;

(3) It shall be unlawful for any person or entity to deceive the public by exhibiting a film other than the one advertised as showing even if the film shown has a valid permit;

(4) It shall be unlawful for any person or entity to exhibit or cause the exhibition in movie theaters, cinemas or similar establishments of any motion picture which had already been shown, without the word "RE-ISSUE" clearly and boldly stamped in the publicity materials of the said movie. Re-issued films shall refer to old motion pictures that are re-shown with the same or new title and motion picture that are culled from footage of two (2) or more films previously shown to the public; or

(5) It shall be unlawful to change or revise the version approved by the MTRCB.

SEC. 18. *Posting or Display of Permit of Label* - A copy of the "Permit to Exhibit" shall be prominently posted at the ticket booth of all movie theaters, cinemas or similar establishments where the motion picture is exhibited.

The MTRCB's classification of the motion picture shall be displayed on a three (3) feet high "standee" in the theater lobby. The film owner shall also include in all motion pictures' advertisements and other publicity materials the approval stamp of the MTRCB and the classification given the motion picture by the MTRCB.

Television and cable networks and stations shall broadcast the MTRCB's classification of the television program before the program is aired and shall also display the MTRCB classification of the program on screen while the program is being aired.

SEC. 19. *Admission to Movie Theaters or Cinemas*.

(1) It shall be unlawful for any person below eighteen (18) years old to enter, to misrepresent or make use of any false evidence about his/her age in order to gain admission into, a movie theater, cinema or similar establishment showing a motion picture classified as "R" or "Strictly for adults."

(2) It shall be unlawful for any person to misrepresent or make use of any false evidence about his/her age in order to gain admission into, a movie theater, cinema, or similar establishment showing a motion picture classified as "PG-13" or "Parental Guidance-13" and "R-13" or "Restricted to 13 years old and above."

(3) It shall be unlawful for any movie theater, cinema or similar establishment to allow the admission of any person below the age qualification required by the film's classification as indicated in the "Permit to Exhibit." In the case of doubt as to the age of the person seeking admission, the latter shall be required to present his or her residence certificate or other proof of age.

SEC. 20. Penalties. - Any person who violates the provisions of this Act and/or Implementing Rules and Regulations issued by the Board, shall, upon conviction, be punished by a minimum penalty of thirty (30) days, to a maximum of five (5) years imprisonment, or a fine of not less than Fifty Thousand Pesos (P50,000.00) but not exceeding Five Hundred Thousand Pesos (P500,000.00) or both, such fine and imprisonment to the discretion of the court.

If the offender is an alien, the person shall be deported after having served the sentence and shall hereafter be refused entry into the country.

The license to operate the movie theater or television station shall be revoked. The motion picture or television program distributor or producer shall also be held equally liable and imposed herein the specific penalties for unauthorized exhibition if found to carry their consent.

Should the offense be committed by a juridical person, the chairperson or the president, or the secretary, or the treasurer, or the partner responsible for such violation shall be the person penalized.

SEC. 21. Imported Motion Pictures and Television Programs. - In the event that an imported or foreign picture or television program, after examination and review by the MTRCB, is declared "Certified Not For Regular Theatrical Release" or "Disapproved For Television", the said motion picture or television program shall be returned by the importer to the distributor thereof to the country of origin or to any other place outside of the Philippines within a period of thirty (30) days, which shall be counted from the date of receipt by the importer or distributor of the decision of the MTRCB, subject to Section 3 (14) (a) and (b) and Section 18, last paragraph.

Fifty percent (50%) of all customs duties and internal revenue taxes paid by the importer or distributor on account of the importation to an entry into the Philippines of the said motion picture or television program shall be automatically refunded by the government officer concerned to the said importer or distributor. The other fifty percent (50%) of all customs duties and internal revenue taxes shall be forfeited in favor of the government.

SEC. 22. *Annual Report.* - The Board shall within three (3) months after the end of every fiscal year, submit its annual report to the President and to Congress. The annual report shall include, among others, a statement of the Board's accomplishments together with its plans and recommendations to improve and develop its operations and the supervision and regulation of the movie and television industries.

SEC. 23. *Special Fund.* - Notwithstanding laws, rules and regulations, executive or administrative orders to the contrary, there is hereby established a Special Fund, sourced from miscellaneous income from copying machine fees, moviola machine fee, projection fees, stamping fees and penalty fees collected by the MTRCB. The Special Fund shall be administered by the Board and shall be at the immediate disposal of the Board to be used exclusively to augment deficiencies in the annual appropriations of the MTRCB, for operational and administrative expenses, and for the repair and acquisition of necessary facilities and equipment.

SEC. 24. *Transitory Provisions.* - All members of the present MTRCB shall be deemed separated from the service, unless they are re-appointed in accordance with this Act.

The incumbent chairperson, vice chairpersons, and board members shall continue to perform their duties and functions in a hold-over capacity and shall receive their corresponding salaries and benefits until such time that the new chairperson, vice chairperson and at least majority of the Board and the Committee shall have been appointed and qualified.

SEC. 25. *Implementing Rules and Regulations.* - Within ninety (90) days upon approval of this Act, the MTRCB shall, in coordination with the concerned agencies and entities, promulgate the implementing rules and regulations for this Act.

SEC. 26. *Commission on Audit.* - The chairperson of the Commission on Audit shall be the ex-officio auditor of the MTRCB. For this purpose, he or she may appoint a representative who shall be the auditor of the Board.

SEC. 27. *Separability Clause.* - If for any reason, any provision of this Act is declared invalid or unconstitutional, the other sections or provisions thereof shall not be affected thereby.

SEC. 28. *Repealing Clause.* - Presidential Decree No. 1986 is hereby repealed. All laws, ordinances, rules, regulations, decrees, executive or administrative orders and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 29. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation in the Philippines.

Approved,