

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session
House Bill No. 3057



Introduced by: Congressman **BIENVENIDO M. ABANTE, JR.**

AN ACT
GRANTING ADDITIONAL POWERS TO THE MOVIE AND TELEVISION
REVIEW CLASSIFICATION BOARD AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Movie Television Review and Classification Board (MTRCB) which was created under Presidential Decree No. 1986 was tasked and empowered to, among others: approve, disapprove or prohibit the importation, exportation, production, copying, distribution, sale, lease, exhibition and/or television broadcast of motion pictures, television programs and publicity materials which are objectionable for being immoral, indecent, contrary to law and/or good customs, injurious to the prestige of the Republic of the Philippine or its people, or with a 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, lease, exhibition, and/or television broadcast of motion pictures, television programs and publicity materials; close movie houses and other similar establishments engaged in the public exhibition of motion pictures and television programs which violate the provisions of the Decree and the rules and regulations promulgated by the Board pursuant thereto; and cause the prosecution of violators of the Decree.

Notwithstanding the clear and unequivocal provisions of the Decree, the MTRCB, claiming that its power on the matter is limited to CLASSIFICATION and has no power of CENSORSHIP, has not shown a determined, positive and sustained effort, campaign or action to exercise and uphold its powers and mandate, especially as above-mentioned, so that it is of public knowledge that prior to the Covid-19 pandemic the production, distribution, exhibition or showing in movie houses and similar establishments, including television broadcasts, of motion pictures, and 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 or immoral or obscene acts, has continued unabated to the detriment of the people, especially our youth and the family. Let us pay special attention and concern to the promotion, preservation, and upliftment of our moral values for the sake of our country and our people.

It is of public knowledge that the commission of many crimes against chastity, persons, and property is influenced by such kind and quality of motion pictures being produced, distributed, and exhibited, and television shows and programs being shown. Added to this is our problem with illegal drugs, which is even magnified with the production, showing, or exhibition of motion pictures centered on the production, transportation, sale, distribution, and use thereof.

Likewise, with the present nature and scope of its powers the MTRCB could not effectively give meaning to the Constitutional declarations that “the State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, **moral, spiritual**, intellectual, and social **well-being**” (Sec. 13, Art. II, Constitution); “All educational institutions shall teach the rights and duties of citizenship, strengthen **ethical and spiritual values**, develop **moral character and personal discipline** (Secs. 3(1) and (2), Art. XIV, constitution). Let us be reminded of the warning in the Scripture that if the foundations are destroyed, even the righteous cannot do anything (*Psalms 11:3*). Before it is too late, therefore, P.D. No. 1986 should be amended.

On the foregoing premises the power of censorship in movie houses and similar establishments, including television broadcasts and public utility vehicles of motion pictures, and television shows and programs, which are immoral, indecent, contrary to law and/or good customs, encourage the commission of, or cater to, violence, immoral or obscene acts, or glorify criminals should be **expressly granted** to the MTRCB.

This Bill, therefore, seeks to expressly grant the MTRCB the Power of Censorship on the production, distribution, exhibition, or showing in movie houses and similar establishments, including television broadcasts, of motion pictures, and 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 or immoral or obscene acts, and providing stiffer penalties for violations thereof, especially on television broadcast or showing of such kind and quality of motion pictures, and on television shows and programs of the same kind and quality.

In defense, protection, promotion, and preservation of moral and spiritual values, decency, and human dignity, the immediate passage of this Bill is earnestly requested.


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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress 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 motion pictures or 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 or immoral or obscene acts, are produced, imported, exported, distributed, sold, shown or exhibited, realizing the great influence and impact that movies or motion pictures and television shows and programs have on the minds and lives of the people, especially the youth, and even children in the case of television shows and programs.

SEC. 2. *Powers and Functions.* - In addition to its powers and functions under Presidential Decree No. 1986, the Movie and Television Review Classification Board (BOARD) shall exercise the following powers:

- (a) *Censorship.* - The BOARD shall exercise the power of censorship of films or motion pictures, television shows and programs, whether serialized or not, including trailers and publicity/promotional materials, that are obscene, offensive, or pornographic, as the term is commonly understood, or using profane, offensive, or sexually-suggestive language, whether verbal or non-verbal expressions, or gestures, or cater to crime or violence or to immoral or obscene acts, or depict or highlight the production, distribution, sale, transportation, or use of prohibited drugs, or the protection thereof; Provided that, the BOARD shall exercise its powers granted under PD 1986 and in this Act as regards serial television programs not on sample episode but on a per-episode basis;

(b) *Disapproval of motion pictures and television shows.* – The BOARD shall disapprove, delete objectionable portions from and/or prohibit the importation, exportation, production, copying, distribution, sale, lease, exhibition and/or television broadcast or showing of movies or motion pictures, including television shows or programs which, in its judgment applying contemporary Filipino cultural values as standard, 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 a dangerous tendency to encourage the commission of violence or of a wrong or crime, or cater to crime or violence or to immoral or obscene acts, such as, but not limited to

(i.) Those that depict or highlight the production, distribution, sale, transportation, or use of prohibited drugs, or the protection thereof; and

(ii) Those where profane, offensive, or sexually suggestive language, whether verbal or non-verbal expressions, or gestures are used.

(c) *Closure of television shows or programs, movies, or motion pictures.*– The BOARD shall, after due notice and hearing, stop and close television shows or programs, and the showing or exhibition in theaters, moviehouses and similar establishments of movies or motion pictures, when it is proven that the showing or exhibition of such television shows or programs, movies or motion pictures, is without the previous approval and permit of the BOARD; and

(d) *Closure of television stations, movie houses, and other similar establishments.* – The BOARD shall, after due notice and hearing, close or cause the closure of television stations, theaters, moviehouses, and similar establishments found showing or exhibiting television shows or programs, movies or motion pictures, without the previous approval and permit of the BOARD.

SEC. 3. *Unlawful and Punishable Acts and Impossible Penalty.* - In addition to the acts declared illegal or unlawful and punishable under PD 1986, the following are likewise declared unlawful and punishable: Producing, copying, distributing, sale, lease, importation, exportation, showing or exhibition, or causing or cooperating in, the production, copying, distribution, sale, lease, importation, exportation, showing or exhibition, in moviehouses, theaters or similar establishments or television broadcast or showing of movies or motion pictures or television shows or programs without being first screened, reviewed, examined, classified, approved and issued permit, by the BOARD shall be punishable by imprisonment of not less than four (4) years nor more than seven (7) years and a fine of not less than Three Million Pesos (Php3,000,000.00) nor more than Five Million Pesos (Php5,000,000.00) at the discretion

of the Court; Showing or exhibiting, or causing or cooperating in, the showing or exhibition, in moviehouses, theaters or similar establishments, common carriers and television broadcast or showing of deleted or cut-off portions of movies or motion pictures or television shows or programs, or those disapproved for public viewing, showing or exhibition by the BOARD, shall be punishable by imprisonment of not less than three (3) years nor more than five (5) years and a fine of not less than Two Million Pesos (Php2,000,000.00) nor more than Three Million Pesos (Php3,000,000.00) at the discretion of the Court;

Approving or issuing permit, or causing or cooperating in, the approval or issuance of permit, for the production, public exhibition or showing in movieshouses, theaters or similar establishments, including television broadcast or showing, of any movie or motion picture, television show or program, including publicity materials such as advertisements, trailers and stills 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 a dangerous tendency to encourage the commission of violence or of a wrong or crime, or cater to crime or violence or those which condone crimes, or glorify criminals or immoral or obscene acts as provided for under Section 2 of this Act shall be punishable by imprisonment of not less than four (4) years nor more than six (6) years and a fine of not less than Three Million Pesos (Php3,000,000.00) nor more than Four Million Pesos (Php4,000,000.00) at the discretion of the Court; and

Violation of or non-compliance with or non-implementation of any of the provisions of Section 2 or Section 3(c) of this Act shall be punishable by imprisonment of not less than one (1) year nor more than two (2) years and a fine of not less than Three Hundred Thousand Pesos (Php300,000.00) nor more than Five Hundred Thousand Pesos (Php500,000.00) at the discretion of the Court.

The pendency of criminal prosecution under this Section is without prejudice to the exercise by the BOARD of its powers granted under Section 2(c) and 2(d) of this Act and the immediate exercise thereof.

SEC. 4. *Persons criminally liable.* -

In the case of moviehouses, theaters, and similar establishments showing or exhibiting movies or motion pictures, disapproved for public showing or without a permit issued by the BOARD, the owner, operator, or lessee of such moviehouse, theater, or similar establishments, as the case may be, shall be held liable.

In the case of common carriers exhibiting or showing movies or motion pictures approved or not issued a permit by the BOARD, the owner or operator and driver of the common carrier shall be held liable.

Where the unlawful act is committed by a corporation, the President, Chief Operating Officer, or Chief Executive Officer, and the General Manager of such corporation shall be held liable.

Where the unlawful act is committed by a partnership, the general partner shall be held liable.

In the case of television stations showing or broadcasting movies or motion pictures, or television shows, or programs disapproved by the BOARD or without a Permit issued by the BOARD, the President and the Production Head or Production Manager of the television station and the Director of such unlawful television show or program shall be held liable.

SEC. 5. *Liability of Government Employees and Public Officials.* - If the prohibited or unlawful act is committed by a government employee or public official, he shall, in addition to the penalties provided for in this Act, be dismissed from his employment and shall be disqualified from re-employment in any government office. In addition, all his retirement benefits shall be forfeited in favor of the government.

SEC. 6. *Prosecution, Judgment, and Forfeiture.* - Prosecution or conviction under this Act is without prejudice to prosecution and punishment under the Revised Penal Code or other existing laws; Provided that any person convicted for violation of any provision of this Act shall not be eligible for probation.

SEC. 7. *Separability Clause.* - The provisions of this Act are hereby deemed separable. If any provision thereof is declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions, which shall remain in full force and effect.

SEC. 8. *Repealing Clause.* - Any provision of decrees, administrative orders, laws, rules, and regulations, including all Memorandum Circulars, Implementing Rules and Regulations, or Implementing Guidelines issued by the BOARD, inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SEC. 9. *Effectivity.* - This Act shall take effect after fifteen (15) days following its publication in the Official Gazette and/or in a newspaper of general circulation in the Philippines.

Approved,