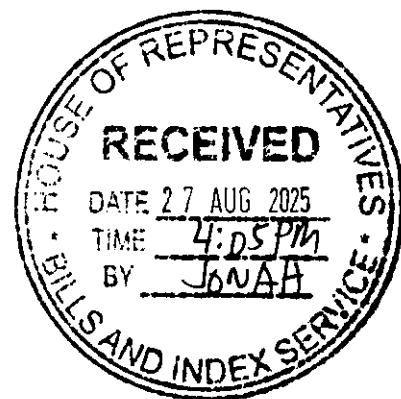


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4108



Introduced by: Hon. Keith Micah "Atty. Mike" D.L. Tan and
Hon. Iris Marie D. Montes

AN ACT
REFORMING THE MANDATE OF THE MOVIE AND TELEVISION REVIEW AND
CLASSIFICATION BOARD TO INCLUDE STREAMING SERVICES, AMENDING
FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1986 OTHERWISE KNOWN
AS "CREATING THE MOVIE AND TELEVISIONS REVIEW AND
CLASSIFICATION BOARD" AND FOR OTHER PURPOSES

EXPLANATORY NOTE

New and emerging technologies changed the way data and information are consumed. The digital age has made it convenient to share files and media using online platforms, peer-to-peer networks, and streaming websites and applications, among others. During the pandemic, demand for online streaming platforms in particular, increased as many were forced to stay at home to isolate or observe community quarantine impositions. Some streaming services that gained popularity during the pandemic include Netflix, Hulu, Disney+, Apple TV+, NBC's Peacock, and HBO Max.

However, the pandemic-fueled boom in streaming services created gray areas that existing regulatory frameworks failed to address. Presidential Decree No. 1986 (PD 1986) empowers the Movie and Televisions Review and Classification Board (MTRCB) to classify motion pictures, television programs and similar shows into categories screen and determine which are safe for public viewing or should be restricted. Section 3 of PD 1986 enumerates MTRCB's powers and functions which include screening, reviewing, and examining all motion pictures whether imported or produced in the Philippines and whether for local viewing or export.

However, nowhere in its current mandate expressly authorizes MTRCB to regulate online streaming services. The terms internet nor online platforms are neither mentioned in PD 1986. This presents a serious regulatory and monitoring gap because the streaming services showcase the same movies, television series, and motion pictures that should be within MTRCB's jurisdiction. The main difference being consumers are able to view a specific show outside its real-time broadcast through streaming services.

To address this *lacuna* in the law, this bill proposes to amend PD 1986 to

include in the MTRCB's duties and functions the authority to regulate on demand online streaming services. It seeks to rationalize the need for a government regulatory body to review and classify movie and television programs that are being shown to the public including those shown online through streaming services. It likewise seeks to modernize the law which did not contemplate other services such as the internet when it was passed in 1985.

Finally, the MTRCB, as the primary quasi-judicial government agency responsible for the review and classification of television programs, movies, and publicity materials must be able to adequately adapt and address the changing demands of our film and television industry while safeguarding the best interests of Filipino consumers.

Hence, the swift and timely approval of this bill is urgently sought.



KEITH MICAH "ATTY. MIKE" D.L. TAN

4th District, Quezon



IRIS MARIE D. MONTES

Kababaihan Kabalikatan para sa Kapakanan
at Kaunlaran ng Bayan (4K) Party-list

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

SECTION. 1. Section 3 of Presidential Decree C'PD/'') No. 1986 is hereby amended to read as follows:

"SEC. 3 Powers and Functions. The Board shall have the following functions, powers and duties:

XXX

- b) To screen, review and examine all motion pictures as herein defined, television programs, including publicity materials such as advertisements, trailers and stills, whether such motion pictures and publicity materials be for theatrical or non- theatrical distribution, for television broadcast or for general viewing, **AND/OR STREAMED THROUGH ONLINE PLATFORMS AND STREAMING SERVICES** imported or produced in the Philippines, and in the latter case, whether they be for local viewing or for export;
- c) To approve or disapprove, delete objectionable portions from and/or prohibit the importation, exportation, production, copying, distribution, sale, lease, exhibition [and/or] television broadcast, **AND/OR STREAMING THROUGH ONLINE PLATFORMS AND STREAMING SERVICES** of the motion pictures, television programs and publicity materials subject of the preceding paragraph, which, in the judgment of the BOARD 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, such as but not limited to:

i) X X X

d) To supervise, regulate, and grant, deny or cancel, permits for the importation, exportation, production, copying, distribution, sale, lease, exhibition, [and/or] television broadcast, **AND/OR STREAMING THROUGH ONLINE PLATFORMS AND STREAMING SERVICES** of all motion pictures, television programs and publicity materials, to the end and that no such pictures, programs and materials as are determined by the BOARD to be objectionable in accordance with paragraph (c) hereof shall be imported, exported, produced, copied, reproduced, distributed, sold, leased, exhibited and/or broadcast by television;

X X X

h) To deputize representatives from the government and from the various associations in the movie industry, whose main duties shall be to help ensure compliance with all laws relative to the importation, exportation, copying, distribution, sale, lease, exhibition [and/or] television broadcast, **AND/OR STREAMING THROUGH ONLINE PLATFORMS AND STREAMING SERVICES** of motion pictures, television programs, advertisements and publicity materials. For this purpose, the BOARD may constitute such Regulatory Council or Councils composed of representatives from the government and the movie and television industry as may be appropriate to implement the purposes and objectives of this Act. The BOARD may also call on any law enforcement for assistance in the implementation and enforcement of its decisions, orders or 2 awards;

X X X "

Sec. 2. Section 7 of PD No. 1986 is hereby amended to read as follows:

"SEC. 7. *Unauthorized Showing or Exhibition.* — It shall be unlawful for any person or entity to exhibit or cause to be exhibited in any movie house, theater or public place, [or by] television, within the Philippines any motion picture, television program or publicity material, **AND/OR STREAMING THROUGH ONLINE PLATFORMS AND STREAMING SERVICES** including trailers, and stills for lobby displays in connection with motion pictures, not duly authorized by the owner or his assignee and passed by the BOARD; or to print or cause to be printed on any motion picture to be exhibited in any theater or public place or by television a label or notice showing the same to have been officially passed by the BOARD when the same has not been previously authorized, except motion pictures, television programs or publicity material imprinted or exhibited by the Philippine Government and/or its departments and agencies,

and newsreels."

Sec. 3. Section 8 of PD No. 1986 is hereby amended to read as follows:

"SEC. 8. *Posting or Display of Certificate or Label.* — The motion picture exhibitors **AND ON DEMAND ONLINE STREAMING SERVICES** shall post and/or display the certificate or label of approval of the motion picture by the BOARD, and shall post or display, or cause to be posted or displayed, the said certificate or label at conspicuous places near the entrances to theaters or places of exhibition, **AND AT THE BEGINNING OF THE MOTION PICTURE, TELEVISION PROGRAM OR SERIES, IN CASE OF ON DEMAND ONLINE STREAMING SERVICES**, and shall include in all their cinema advertisements announcements stating the classification, as provided in Section 3 (e) hereof, of the motion picture being exhibited or advertised."

Sec. 4. Section 10 of PD No. 1986 is hereby amended to insert a new item number 6 and all the other numbers are therefore hereby renumbered accordingly:

"SEC. 10. For the purposes of this Act, the following terms shall mean:

X X X X

6. ON DEMAND ONLINE STREAMING SERVICES - STREAMING MEDIA SERVICES WHICH ARE OFFERED DIRECTLY TO AUDIENCES THROUGH THE INTERNET AND/OR SUBSCRIPTIONS. THE VIEWERS OR USERS WILL NEED AN INTERNET CONNECTION TO STREAM OR DOWNLOAD VIDEO CONTENT."

Sec. 5. *Implementing Rules and Regulations.* – Within ninety (90) days from effectivity of this Act, the MTRCB in collaboration with the concerned agencies and stakeholders, shall promulgate the rules and regulations to effectively implement the provisions of this Act.

Sec. 5. *Separability Clause.* – If, for any reason, any provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected shall continue to be in full force and effect.

Sec. 6. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 7. *Effectivity.* – This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in at least one (1) national newspaper of general circulation.

Approved,