

MTRCB Implementing Rules and Regulations and The Long Road to Freedom of Expression

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The late strongman Ferdinand Marcos has long been toppled by popular revolt but ironically, some laws he decreed to perpetuate himself in power and bring oppression to many have persisted and succeeded to outlive his regime. One such legislation is Presidential Decree No. 1986 creating the Movie and Television Review and Classification Board (MTRCB) certified on October 5, 1985.

The Act officially abolished the much maligned Board of Review for Motion Pictures and Television and was meant to appease the restless domestic film industry battling such woes as dwindling market, skyrocketing cost of production, heavy taxation, and censorship. It was also the dictator's gesture to push for a transitory phase towards eventual self-regulation of the local film industry and the implementation of a pure classification system for films in terms of audience suitability.

The presidential decree came with implementing rules and regulations (IRR) that were not altered until the chairmanship of actress-producer Armida Siguion-Reyna who was appointed to the top post under the Joseph Estrada administration in 1998. When Estrada was deposed in 2001, succeeding MTRCB leadership explored initial efforts to revise certain provisions of the law's implementing rules and regulations. None really made it on paper until the assumption of office of current chair Ma. Consoliza P. Laguardia.

The new implementing rules and regulations are distinguished for three significant changes. First is the creation of R-13 rating which affirms the set of films that children could not watch even if accompanied by an adult (Chapter IV, Section 1). The second pertains to an allowance of flexibility in determining ratings for certain television programs depending on the occasion, purpose, and timeslot that such would be shown (Chapter IV, Section 3). The last refers to some sort of modification on a passage under Chapter III, Section 3 of the Reyna board's IRR which explicitly states that, "A motion picture that has been rated 'X' may be exhibited in venues that do not fall under the jurisdiction of the MTRCB as provided by law". Although somewhat stricken off, the principle remains in place under the new IRR and could be inferred from the specific provision (Chapter V, Section 9) saying, "No films, television program, or publicity/promotional material for such films and TV programs, unless they are imprinted or exhibited by the Philippine Government and/or its departments and agencies, shall be granted exemption from review and classification for audience suitability".

IMPLEMENTING RULES AND REGULATIONS

Pursuant to Section 3 (a) of Presidential Decree No. 1986, the Movie and Television Review and Classification BOARD (MTRCB), hereinafter referred to as the BOARD, hereby enacts and promulgates the following Rules and Regulations as guidelines.

Chapter 1 DEFINITION OF TERMS

As used in the Rules and Regulations, the following terms shall mean:

- (a) **BOARD** – The Movie and Television Review and Classification Board (MTRCB) created under Presidential Decree No. 1986.
- (b) **MOTION PICTURE** – A series of pictures projected on a screen in rapid succession so as to produce the optical effect of a continuous picture in which the objects move whether the picture is in black and white or in color, silent or with accompanying sound, on whatever medium, with whatever mechanism or equipment they are projected for instant showing.
- (c) **TELEVISION BROADCAST** – A public showing of images (video) and sounds (audio) via free television whether on Very High Frequency (VHF), or Ultra High Frequency (UHF), to include cable television and other limited audience distribution.
- (d) **THEATRICAL DISTRIBUTION** – A public exhibition of motion pictures in theaters, moviehouses, or other places imposing admission fees.
- (e) **PUBLICITY MATERIALS** and/or Promotional Materials – Any material used to generate public interest in a motion picture or television program such as television commercials, movie and television trailers, print advertisements, still photos, photo frames, leaflets, posters and billboards, and other related media.
- (f) **LIVE TV SHOW** – A television program telecast at the same time that it is being performed.
- (g) **TAPED TV SHOW** – A television program recorded before it is telecast.
- (h) **GENERAL VIEWING** – Refers to motion pictures made available to the general public for viewing whether through theaters, film libraries, or such similar organizations.
- (i) **REVIEW** – The process of previewing motion pictures, television programs and related publicity materials to determine whether, based on the standards set by law, these are fit for importation, exportation, production, copying, distribution, sale, lease, and exhibition in theater or non-theatrical distribution networks; and to determine the material's classification.
- (j) **NEWS** – Refers to straight and objective news reporting as distinguished from news analyses, commentaries, opinions, and editorials.

- (k) **NEWSANALYSES, COMMENTARIES, OPINIONS and EDITORIALS** – Refer to views which are SUBJECTIVE in nature, whether these are of the speaker's and/or the network's.
- (l) **NON-THEATRICAL DISTRIBUTION** – A public showing of full-length or short-feature motion pictures through the use of mobile or non-mobile projection equipment for which no admission fee is charged. This includes showing of full-length and short-feature motion pictures exclusively to civic organizations, societies, clubs and other similar groups, including juvenile, educational, documentary, cultural, scientific, journalistic, industrial, sales, public relations, and instructional films.

Chapter II GUIDING PRINCIPLES

SECTION 1. – The BOARD shall review and classify motion pictures, television programs and related promotion materials and commercials for TV and cinema, applying as a general standard contemporary Filipino cultural values.

SECTION 2. – No motion picture, television program, or promotional material intended for such exhibition shall be disapproved by reason of its topic, theme, or subject matter, subject to Article 201, "Offenses Against Decency and Good Customs" of the Revised Penal Code.

SECTION 3. – The classification shall be based on the treatment of theme, violence, language, nudity, sex, horror, illegal drugs, and other similar elements. In making the evaluation, the BOARD shall not look at pieces of film, television, and related promotional materials in isolation, but shall consider the submitted materials in its entirety.

SECTION 4. – The BOARD is fully aware of the State's concern in molding and reinforcing the moral character of the people as well as protecting the artist's freedom of expression. The BOARD's obligation therefore as mandated by law is to safeguard these values without negating the vital roles and services that the motion picture and television industries render to the community as important components in building the national economy.

SECTION 5. – The review and classification system rests on the doctrine of PARENS PATRIAE as well as the natural right of parents in rearing their children under the Constitution. The BOARD recognizes the fundamental role of parents in their children's choice of motion picture or television program, and thereby helps them decide what they will allow their children to watch.

SECTION 6. – The BOARD is a regulatory body which must not only function in terms of reviewing and classifying films or television programs brought before it but must also initiate plans and cooperate with the industry to improve, upgrade and make it viable as an important component of the national economy.

Chapter III SCOPE OF AUTHORITY

All motion pictures, television programs, and commercials intended for public exhibition in theaters and television, and related publicity materials and/or promotional materials, whether imported or produced in the Philippines, for the purpose of local viewing or for export, shall be subject to review and classification by the BOARD before they are exported, copied, distributed, sold, leased, and exhibited.

Chapter IV MOVIE, TELEVISION, AND TRAILER CLASSIFICATION

SECTION 1. – MOVIE CLASSIFICATION. – Movies shall be classified as GENERAL PATRONAGE (“G”); PARENTAL GUIDANCE-13 (“PG-13”); RESTRICTED-13 (“R-13”); RESTRICTED-18 (“R-18”); and NOT FOR PUBLIC VIEWING (“X”). In classifying the motion picture, the BOARD shall consider the treatment of the following factors: theme, violence, language, nudity, sex, horror, illegal drugs, and other elements.

- A. GENERAL AUDIENCE (“G”) –** All ages admitted. “G” materials should, in the judgment of the BOARD, be suitable for all audiences.
1. **THEME** – Themes must be appropriate for young audiences and shall be wholesome and reinforce positive values.
 2. **LANGUAGE** – Obscene, profane, blasphemous, and sexually suggestive languages shall not be allowed. Some snippets of language may go beyond polite conversation but should be common everyday expressions.
 3. **NUDITY** – Sexually-oriented nudity is not acceptable. As a general rule, scenes of nudity are not allowed BUT brief scenes of NATURAL NUDITY with NO INTENTION to titillate may be allowed.
 4. **SEX** – Scenes with sexual context shall be acceptable. Only wholesome and tender love scenes may be allowed.
 5. **VIOLENCE** – The depiction of violence and use of threatening or menacing language, weapons, and special effects shall only be occasional and mild. The portrayal of violence should not be seen as a normal solution to problems and should not promote anti-social behavior. No emphasis shall be given to realistic weapons and the scenes should not unduly cause alarm, distress or stress, and/or anxiety to young audiences. Redeeming values shall be underscored, with right and justice prevailing.
 6. **HORROR** – Depiction of horror and horrific special effects shall be mild and brief, with no intent to shock or frighten. The outcome shall always be reassuringly positive.
 7. **DRUGS** – There shall be NO depiction of, or reference to, prohibited drugs or substances and their use.

B. PARENTAL GUIDANCE-13 (“PG-13”) – Viewers below 13 years old must be accompanied by a parent or an adult. The movie must, in the judgment of the BOARD, meet the following criteria:

1. **THEME** – More serious issues may be tackled but the treatment must be suitable to children below thirteen (13) years old.
2. **LANGUAGE** – Very mild and mild **SWEAR** words only. Use of a strong expletive in a sexual context and successive use of such expletives will not be allowed.
3. **NUDITY** – Occasional natural nudity, with no sexual contents as in “G”.
4. **SEX** – Graphic depiction of sexual activity is not allowed. Sexual activity may be implied but without details shown.
5. **VIOLENCE** – **NO GLAMORIZATION** of weapons and crimes. No detail of fighting or other dangerous techniques. No detail of violence or suffering. There should be a redeeming social value at the end.
6. **HORROR** – Scary sequences must be mild and brief.
7. **DRUGS** – There shall be no depiction of, or reference to, prohibited drugs or substances and their use.

C. RESTRICTED-13 (“R-13”) – Only those who are 13 and above may view an “R-13” film. The movie must, in the judgment of the BOARD, meet the following criteria:

1. **THEME** – Generally, adult themes are permissible provided the treatment is suitable for young teenagers between 13 and 17 years old.
2. **LANGUAGE** – Strong, sexually derived, and vulgar use of swear words or those referring to the genitalia is prohibited. Moderate swear words may be used. Use of stronger words is allowed provided it is **INFREQUENT**.
3. **NUDITY** – Full frontal nudity is not allowed. Breast exposure relevant to the context of the film is permitted. Though sexually-oriented nudity is allowed, the same must be brief, discreet, and without genital exposure.
4. **SEX** – Graphic depiction of sexual activity is not allowed. Sexual activity may be implied but without details shown.
5. **VIOLENCE** – Films that glamorize or glorify violence are not allowed. Any portrayal of characters taking pleasure in inflicting or receiving pain may not be allowed. Focus on injuries and blood is not allowed. Sexual violence may only be implied without showing any details. Violence may be realistic without exhibiting details.
6. **HORROR** – Occasional gory scenes are allowed. Sustained threat and menace may be allowed.
7. **DRUGS** – Though brief and occasional references to and images of drug and substance use are allowed, the movie must depict the negative effects of drug and substance use and not condone, encourage, or glamorize drug, and/or substance use.

- D. RESTRICTED-18 (“R-18”)** – Only those who are 18 years and above can catch an R-18 movie. The movie must, in the judgment of the BOARD, meet the following criteria:
1. **THEME** – No theme is off-limits. The BOARD shall put a lot of weight on the treatment and context of the material’s theme.
 2. **LANGUAGE** – Use of strong expletives as well as sexual references is allowed provided they are necessary to the storyline and character development.
 3. **NUDITY** – Nudity meant simply to titillate and containing very little aesthetic value is not acceptable except as provided in Section 1-C. (3) above. In determining the acceptability of nude scenes the BOARD shall put a lot of weight on the movie’s merit.
 4. **SEX** – Portrayal of sexual activity is permitted. Again, in determining the acceptability of the portrayal of sexual activity, the BOARD shall put a lot of emphasis on the movie’s merit. The following are not acceptable: lewd and explicit images of aroused genitalia, penetration (oral, vaginal or anal), masturbation, oral-genital contact, close-ups of the genital area.
 5. **VIOLENCE** – Strong and realistic violence is allowed but the following are not:
 - a) films which glorify or glamorize violence;
 - b) films which satisfy the craving of gratuitous violence; and
 - c) films which contain detailed and prolonged images of sexual and other kinds of violence.
 6. **HORROR** – Strong psychological horror and scary scenes are permitted.
 7. **DRUGS** – The film must not condone or encourage the use of illegal drugs. The explicit use of the actual intake and preparation of drugs, as well as the pleasure derived therefrom, may be shown only insofar as they are relevant to the thematic content or storyline of the movie.

E. NOT FOR PUBLIC EXHIBITION (“X”) – X-rated movies are not suitable for public exhibition.

A movie shall be disapproved for public viewing if, in the judgment of the BOARD:

1. The average person, applying contemporary community standards, would find that the dominant theme of the work as a whole appeals to prurient interest and satisfies only the craving for gratuitous sex and/or violence.
2. The work depicts in a patently lewd, offensive, or demeaning manner, excretory functions and sexual conduct such as sexual intercourse, masturbation, and exhibition of the genitals.
3. The work clearly constitutes an attack against any race, creed, or religion.
4. The work condones or encourages the use of illegal drugs and substances.
5. The work tends to undermine the faith and confidence of the people in their government and/or duly constituted authorities.
6. The work glorifies criminals or condones crimes.

7. The work is libelous or defamatory to the good name and reputation of any person, whether living or dead.
8. The work may constitute contempt of court or of a quasi-judicial tribunal, or may pertain to matters which are sub-judice in nature.

SECTION 2. TELEVISION CLASSIFICATION. – All television programs, motion pictures, and publicity/promotional materials for or pertaining to television broadcast are to be classified as GENERAL PATRONAGE (“G”); PARENTAL GUIDANCE (“PG”); and NOT FOR PUBLIC VIEWING (“X”). The BOARD may consider the time slot, purpose, and venue of the program in determining the proper rating for it.

- A. **GENERAL PATRONAGE (“G”)** – Suitable for all ages. Material for television, which, in the judgment of the BOARD, does not contain anything unsuitable for children and minors, and may be viewed without adult guidance or supervision.
- B. **PARENTAL GUIDANCE (“PG”)** – Parental guidance suggested. Material for television which, in the judgment of the BOARD, may contain some adult material but may be permissible for children to watch under the guidance and supervision of a parent or adult.

The “PG” classification advises parents to exercise parental responsibility in their children’s viewing of the program. An advisory to the effect that the program requires Parental Guidance and the reason for such a classification (e.g., language, violence, etc.) shall be shown immediately before the opening credits of the particular television material classified as such. The phrase “Parental Guidance” shall be superimposed throughout the showing of the television material classified as such.

- C. **DISAPPROVED for AIRING ON TELEVISION (“X”)** – Any television program or motion picture that does not conform to the “G” and “PG” classification shall be disapproved for television airing. Trailers and publicity/promotional materials for movies and television that do not fall within the “G” classification cannot be aired on television. A motion picture rated R-18 or R-13 is automatically disqualified from airing on television unless it has been made to fit into the “G” or “PG” classification.

SECTION 3. MOVIE AND TELEVISION TRAILERS. – Trailers and publicity/promotional materials for movies and television must strictly be made suitable for GENERAL AUDIENCE (“G”) classification. Trailers and publicity/promotional materials that do not fall within the “G” classification shall not be approved for exhibition in a moviehouse, broadcast on television, publication in print media, and exposure in other related media.

The BOARD may, from time to time, applying Filipino cultural values, amend this system of classification and the guidelines thereto, and the BOARD may consider the time slot, purpose, and venue of the program in determining the proper rating for it.

Chapter V
APPLICATION AND ISSUANCE OF PERMITS

SECTION 1. WHO MAY APPLY. – Any natural or juridical person authorized by law may apply for a permit to import, export, produce, copy, distribute, sell, lease, publicly exhibit, or broadcast by television, any motion picture, television program, or related publicity materials, with respect to which use or appropriation he has, by law, the corresponding right.

SECTION 2. FORM AND REQUIREMENTS OF PERMIT APPLICATION. –The application shall be in writing and in the form prescribed by the BOARD. It shall state, among others, the kind of permit applied for, the applicant's name, address, and company position, and the title of the film, television program, or publicity/promotional material being submitted. The application shall be made under oath, to be accompanied by the following documents:

- A. Sworn statement of the producer or, in the case of imported films, by the importer or distributor declaring the exact number of prints of the motion picture or material produced or imported.
 - i. In the case of locally produced films, a sworn certification by the film studio or laboratory stating the exact number of film prints and corresponding footage that has been processed, and an undertaking not to process further copies without clearance by the BOARD.
 - ii. In the case of imported or exported motion pictures and publicity/promotional materials, the documents mentioned in Chapter IX, "Import and Export of Films."
 - iii. Such other documents as the BOARD may from time to time require.

SECTION 3. APPLICATION FEE. – No application fee for a permit shall be acted upon by the BOARD unless the applicant has fully paid the prescribed application fee.

Those with outstanding obligations with the BOARD shall likewise be made to settle said obligations before the BOARD acts upon the latest application.

SECTION 4. PERIOD FOR REVIEW AND CLASSIFICATION. – Film prints and tapes of television programs shall be submitted to the BOARD for classification on a "first come, first served" basis.

Fees prescribed by the BOARD for films, and for television programs on a per episode basis, will be charged.

The BOARD must review and classify the motion picture, television program, or promotional/publicity material within a period of TEN (10) DAYS, which shall be counted from the date of receipt by the BOARD of an application for review and classification, together with the complete film prints, the tapes of television programs, or stills and other publicity/promotional materials to be reviewed.

In the case of a Second Review, the BOARD shall render its decision within FIVE (5) DAYS from the date of the receipt of the motion picture, television program, or promotional/publicity material for Reclassification and/or Reconsideration.

However, no special consideration will be made regardless of an applicant's playdate or date of broadcast. It is the applicant's duty to meet his deadlines, without prejudice to those who have submitted their respective applications, film prints, and tapes of television programs before him.

SECTION 5. TITLES AND PUBLICITY AND/OR PROMOTIONAL MATERIALS. –

Promotional and/or publicity materials such as print advertisements, still photos, photo frames, leaflets, posters, and billboards shall be submitted for review during the run of the movie as long as the first batch of materials has been approved.

The following shall not be approved as titles:

- A. Direct representations of, or clear references to, sexual acts, masturbation, excretory functions, and the genitalia.
- B. Those which when maliciously mispronounced for promotional purposes become direct representations of, or clear references to, sexual acts, masturbation, excretory functions, and the genitalia.
- C. Those which no matter how innocent in a particular Philippine dialect or in any other language are, in the Filipino language, direct representations of, or clear references to, sexual acts, masturbation, excretory functions, and the genitalia.
- D. Those which are contrary to law, public morals, or any legitimate public interest.
- E. Those that contain vulgar language.

In the event the title or publicity/promotional material does not meet BOARD approval, the applicant shall undertake to shoulder additional expenses for a reshoot of optical titles or reproduction of publicity/promotional materials.

Changing of titles of old or reissued motion pictures shall not be allowed, except when such titles fall under any of the abovementioned subsections. Old films shall carry their original title in the feature print and in all promotional/publicity materials, with the word "REISSUE" prominently printed in bold letters under the original title.

ALL PRINT AND SIGN ADVERTISEMENTS related to motion pictures and television programs such as advertising copy, still photos for theater lobby or non-theater lobby display, photo frames, leaflets, posters, and billboards shall fall within the standards of a GENERAL AUDIENCE CLASSIFICATION.

All advertising copy, still photos for theater lobby display, photo frames, leaflets, posters and billboards and other promotional materials that do not meet a "G" classification cannot be exhibited in public. Violation of this provision shall be a ground for the withholding or cancellation of the film's Exhibition Permit and the imposition of other such penalties as the BOARD may deem appropriate.

Motion pictures on which voluntary deletions have been made shall not be advertised as "UNCUT" in any and all publicity/promotional materials. The BOARD shall not hesitate to impose sanctions on such deceptive advertising.

The BOARD may, from time to time, applying contemporary Filipino cultural values, amend this system of classification and the guidelines hereunder. The BOARD may consider the time slot, purpose and venue of the program in determining the proper rating for it.

SECTION 6. CONSPICUOUS DISPLAY OF EXHIBITION PERMIT AND CLASSIFICATION. - A copy of the Exhibition Permit shall be prominently posted at the ticket booth of all theaters where the motion picture is exhibited. In addition, the BOARD'S classification of the motion picture shall be prominently displayed on a three (3) - foot high standee in the theater lobby. The classification shall likewise be included in all of the film's print and TV advertisements as soon as the classification is obtained.

SECTION 7. MTRCB SEAL OF APPROVAL. - All still photos, photo frames and posters APPROVED for display in the theater lobby and other public places must bear the MTRCB seal of approval.

SECTION 8. TELEVISION PROGRAMS. - The BOARD shall not review/classify television programs on a per-episode basis, but on a sample episode submitted from a particular program's output for the season. The BOARD may, if circumstances warrant, require the review of all episodes of certain television programs.

In the case of TAPED TELEVISION PROGRAMS, after submitting a sample episode of a television program, the program producer shall be required to set aside a tape of each episode broadcast to be made immediately available to the BOARD for spot-checking.

The tape submitted for spot-checking shall be kept by the BOARD for a period of one month from the date of broadcast. Tapes of programs identified by the BOARD to have consistently violated these Rules and Regulations shall be kept for a period of three months from the date of broadcast.

Programs previously classified for "General Audiences (G)" or "Parental Guidance (PG)" shall be continuously monitored on the basis of the same classification. To avoid sanctions as provided for in Section 11 of PD No. 1986, television program producers shall, in case of any doubt regarding a particular program episode's classification, voluntarily submit said episode to the BOARD for proper review.

In the case of LIVE TELEVISION PROGRAMS such as noontime variety shows and talk shows, the phrase "PARENTAL GUIDANCE" shall be superimposed onscreen throughout the airing of the program to continuously remind parents to be on the alert because such programs may contain material that they may deem inappropriate for their children. The program producer shall be required to set aside a tape of each episode broadcast, to be made immediately available to the BOARD for spot-checking.

Officers and/or owners of television networks and production companies shall be held responsible for any violation of pertinent laws arising from or by reason of all their television programs.

The BOARD shall not hesitate to impose penalties and fines, cancel permits and licenses, and cause the prosecution of all those found guilty of violating said pertinent laws.

SECTION 9. EXEMPTED FILMS AND TELEVISION PROGRAMS. - No films, television program, or publicity/promotional material for such films and TV programs, unless they are imprinted or exhibited by the Philippine Government and/or its departments and agencies, shall be granted exemption from review and classification for audience suitability.

SECTION 10. DELETIONS AND/OR CUTS. - It shall be the responsibility of the applicant to delete scenes, shots, or dialogue on his own to arrive at the classification he desires for his material, with such voluntary deletions to be noted down in the Exhibition Permit as a safeguard against illegal insertions. However, if the applicant so desires, the BOARD may suggest deletions in order that the applicant may obtain the classification he desires.

All copies of the voluntary deletions shall be submitted to the BOARD for monitoring purposes.

This provision shall be made to apply not only to films or TV programs/shows but also to the film's or TV program's publicity/promotional materials.

SECTION 11. The Board may require the applicant to submit a copy of the materials reviewed for record purposes.

Chapter VI PROCEDURE FOR REVIEW AND CLASSIFICATION OF FILM AND TELEVISION

SECTION 1. DESIGNATION OF REVIEWERS. - The Chairman of the BOARD shall designate the members of the REVIEW COMMITTEES.

It shall be the duty of the BOARD MEMBERS to disclose any potential conflict of interest regarding a material assigned to him for review. NO BOARD MEMBER shall be assigned to sit on a committee to review and classify when said BOARD MEMBER has a conflict of interest regarding the said movie, television program, or publicity/promotional material.

SECTION 2. COMMITTEE ON FIRST REVIEW.

- A. The committee on first review shall be composed of at least three (3) BOARD MEMBERS, one of whom shall be designated as Chair by the Chairman of the BOARD.
- B. The committee on FIRST REVIEW does not give special consideration for an applicant on the basis of an impending film playdate/television broadcast, said film playdate/television broadcast being the applicant's responsibility.
- C. The decision of the committee shall be rendered by a majority vote. In case a majority vote is not immediately reached, the committee shall continue to deliberate until the members arrive at a majority decision.

No member shall be allowed to abstain. Such a decision shall be rendered on the day the material is reviewed by the committee. Unless otherwise determined by the committee, the decision shall be written by the Chair of the committee.

- D. In case the committee is unable to arrive at a majority decision on the day of the review, the Chairman of the BOARD shall designate another committee to review the film as soon as possible.
- E. After the movie is previewed and before the committee renders its decision, the representatives of the producer and/or the distributor allowed by PD 1986 to join the screening will be given a chance to defend the material.

The committee shall confer with the applicant or his duly authorized representative before writing the committee report or decision. With leave of the committee, the applicant may re-edit his material to suit the rating he is seeking. The committee report or the decision shall then be rendered upon submission of the edited material and the deleted portions to the same committee for checking. The decision shall clearly state the result of the voting of the members and the particular reasons for the majority opinion.

SECTION 3. COMMITTEE ON SECOND REVIEW.

- A. The applicant may file a Motion for Reclassification and/or Reconsideration within FIVE (5) CALENDAR DAYS from notice of the decision.
- B. Upon receipt of the Motion for Reclassification and/or Reconsideration the Chairman or the BOARD shall designate a committee on Second Review composed of FIVE (5) Board Members to conduct a second review of the subject film or TV show. One (1) member from the Committee on First Review may be required to sit with the committee on Second Review as an observer and/or consultant. No member from the First Review Committee may sit in the Committee on Second Review.
- C. The Committee on Second Review shall be presided over by the Chairman or the Vice-Chairman of the BOARD or by a Board Member designated by the Chairman.
- D. The decision of the Committee on Second Review shall be rendered by a majority vote (3 out of 5) of the members. In case no majority decision is arrived at, the Committee shall continue to deliberate until a majority vote is obtained. Such a decision shall be rendered on the day the material is reviewed. No member shall be allowed to abstain.
- E. After the movie is previewed and before the Committee renders its decision, a representative of the producer and/or the distributor allowed by PD 1986 to join the screening will be given a chance to present his case and/or defend his material.
- F. The decision of the Committee on Second Review shall prevail over that of the Committee on First Review.

The decision of the Committee on Second Review shall be final, with the exception of a decision disapproving or prohibiting the screening of a

motion picture or a television program in its entirety, which decision shall be appealable to the President of the Philippines. The President may himself/herself decide the appeal or be assisted by an ad hoc committee he/she may create or by the Appeals Committee as mandated by PD 1986.

Except for members of the BOARD, persons specifically authorized by the BOARD, and two representatives of the distributor and/or producer and exhibitor of the motion picture, television program, or promotional materials under examination and review, no persons shall be allowed in the screening room and the projectionist's room during the examination and review of said motion picture, television program, or promotional/publicity material.

SECTION 4. TERMINATION OF COMMITTEE REVIEW. – A committee review shall be deemed terminated only after the committee has rendered its decision and transmitted its decision to the applicant.

SECTION 5. DECISIONS. – Decisions of the BOARD's First and Second Review Committees shall all be in writing, copies of which shall be made available to the applicant upon his request, and in no case shall be denied him. The decisions must contain a written explanation of the committee's classification. The decision shall be written in the Committee Report which shall be countersigned by the applicant or his authorized representative.

Chapter VII APPEAL

SECTION 1. DECISIONS UP FOR APPEAL. – The applicant may appeal decisions of the Committee on Second Review disapproving a motion picture or television program from exhibition in its entirety under Chapter III, Sections 1 and 2, Subsections (c) and (d) respectively hereof, to the President of the Philippines, who may himself/herself decide the appeal, or be assisted either by an ad hoc committee he/she may create, or by the Appeals Committee as specified in Section 4, Paragraph 5, of PD 1986.

SECTION 2. MAKING THE APPEAL. – An appeal shall be made within FIFTEEN (15) DAYS from notice of the decision by the Committee on Second Review by filing a notice of appeal with the BOARD and by paying the appeal docket fee.

SECTION 3. TRANSMITTAL OF FILM PRINTS AND/OR RECORDS. – Upon perfection of the appeal, the BOARD shall send notice to the Office of the President regarding said appeal and shall facilitate the transmission of the film print, television program, and/or records pertinent to the appeal.

SECTION 4. APPEALS COMMITTEE. – The decision of the President of the Philippines through the Appeals Committee on the appealed matter shall be final.

Chapter VIII PERMITS

SECTION 1. RESTRICTION IN THE USE OF THE PERMIT TO EXHIBIT. – Permit holders shall use such permits only for the purpose or purposes therein stated. Permit holders shall preserve the integrity of the motion picture, television program, or related publicity/promotional material in the same condition it was approved, guarding against illegal insertions of material either previously disapproved or not submitted for review.

The BOARD shall not hesitate to impose penalties and fines, cancel permits and licenses, and cause the prosecution of all those found guilty of exhibiting materials and film prints without an Exhibition Permit. Tampering with the Exhibition Permit shall likewise be subject to penalties and fines.

SECTION 2. DUTIES OF HOLDERS OF PERMIT TO EXHIBIT. – Movie houses, theaters, and television networks benefit financially from permits to exhibit and/or airing their respective material. Owners of such movie houses, theaters, television networks, and their respective managers are therefore enjoined to take on the following duties and responsibilities:

- A. To ensure that the rules and regulations herein enumerated are followed and observed by their employees under risk of sanctions against the entire company;
- B. In the case of television, to create in-house network regulatory bodies to strictly ensure that programs fall into either a “G” or a “PG” classification;
- C. In the case of movie houses, to come up with similar company-instituted safeguards against flagrant violations of the law, such as the immediate reporting to the BOARD of any noticeable insertions or additions that are patently objectionable on the basis of the existing;
- D. To terminate, after due process, and to criminally prosecute employees involved in illegal insertions in a material up for screening/exhibition;
- E. In cases where motion pictures are presented as double features, to apply the more restrictive classification governing admission; and
- F. To comply strictly at the risk of criminal prosecution and administrative penalty, with classification for audience suitability, by which absolutely no unaccompanied children below thirteen (13) are allowed into moviehouses and theaters showing films classified “PG-13”, not to admit viewers below thirteen (13) when the movies are classified as “R-13”, and absolutely no minors are allowed into moviehouses and theaters showing films classified “R-18” (STRICTLY FOR ADULTS).

SECTION 3. LENGTH OF VALIDITY OF PERMIT TO EXHIBIT.

- A. FOR MOTION PICTURES. - The validity of an Exhibition Permit given to motion pictures intended for theatrical release covers a period of five years, without further need for the applicant to pay application fees on a yearly basis. The said Exhibition Permit does not extend to television, which constantly requires that all materials for airing fit into only either the “G” or the “PG” classification.

- B. FOR THE TELEVISION PROGRAMS. - A television program reviewed on the basis of a sample of its output for the season is given a broadcast permit for three months. The permit may be revoked at any time upon documented proof of violations of the “G” and “PG” classifications. Because these television programs shall be regularly monitored for spot-checking, fees for each airing will remain in place, on a Pay Before Broadcast (PBB) basis.

Chapter IX IMPORT AND EXPORT OF FILMS

SECTION 1. IMPORT OF FILMS. – Upon advice of an applicant, the BOARD shall issue the permit required to release imported motion pictures, television programs, or related publicity materials from the Bureau of Customs. Such permit shall be issued upon proper application, payment of fees, and submission of documents prescribed by the BOARD.

The permit to release imported motion pictures, television programs, television commercials, or related publicity materials from the Bureau of Customs is not to be confused with the Exhibition Permit which comes only after said motion pictures, television programs, or related publicity materials have been reviewed and classified.

Applicants with previous account with the BOARD must first settle such accounts in order for them to get their respective permits.

SECTION 2. DISPOSITION OF IMPORTED FILMS DETERMINED TO BE NOT SUITABLE FOR PUBLIC EXHIBITION. – Motion pictures, television programs, and promotional/publicity materials declared NOT SUITABLE FOR PUBLIC EXHIBITION in the Philippines shall be ordered returned to the country of origin within THIRTY (30) DAYS from the Importer/Distributor’s receipt of the BOARD’S final decision. A true copy of the decision shall be forwarded to the Commissioner of Internal Revenue and the Collector of Customs. The Importer/Distributor shall submit to the BOARD proof of compliance within TEN (10) DAYS from the expiration of the THIRTY (30)-DAY period.

SECTION 3. EXPORT OF FILMS. – No motion picture, television program, or related publicity material may be exported outside the Philippines without a permit to export issued by the BOARD. Such permit shall be issued upon proper application, payment of fees, and the submission of documents prescribed by the BOARD. Whenever a version different from that previously approved by the BOARD for local exhibition is to be exported, a separate review may be undertaken but without prejudice to the issuance of the necessary export permit. Motion pictures, television programs, and/or publicity materials exhibited abroad fall under the inviting country’s own rules and regulations governing the exhibition and/or airing of such.

Chapter X REGISTRATION OF PERSONS UNDER THE BOARD’S JURISDICTION

SECTION 1. REGISTRATION. – All persons and entities authorized by law to engage in the movie and television industry, to include Importers, Exporters, Film Studios or Laboratories, Television Networks, Local Cable Television

Operators, Local and Foreign Movie Producers, Television Program Producers, Distributors or Booking Agents, Movie Houses, and other activities falling under the supervision and regulation of the BOARD as provided in Section 3 (d) of PD 1986, shall register with the BOARD.

SECTION 2. APPLICATION FOR REGISTRATION. – Persons required to register with the BOARD shall accomplish the prescribed forms, submit true copies of documents attesting to the authority to do business in the Philippines, and pay the registration fee fixed by the BOARD, after which a CERTIFICATE OF REGISTRATION is accordingly issued by the BOARD.

Certificates of Registration may not be issued to those who still have unsettled obligations with the BOARD.

SECTION 3. EFFECTIVITY OF REGISTRATION. – The CERTIFICATE OF REGISTRATION issued by the BOARD shall be effective for ONE (1) YEAR, renewable every year, unless earlier canceled by the BOARD for cause.

Chapter XI BOARD REPRESENTATIVES

SECTION 1. APPOINTMENT. – Any Filipino citizen of legal age and of good community standing may, upon recommendation of a member of the Board, be appointed as Board Deputy to assist in overseeing the implementation of laws and rules relating to the public exhibition of motion pictures, television programs, and publicity materials falling within the jurisdiction of the BOARD. The person so appointed shall not be entitled to compensation, and his appointment is revocable.

SECTION 2. SCOPE OF DUTIES AND AUTHORITY. – A Board Deputy, when issued a valid appointment and identification card, shall have the authority to inspect all public exhibition of any motion picture or publicity material in moviehouses, theaters, and other public establishments and may demand to see the actual appropriate permits for such exhibition. Upon discovery of any violation, he/she shall immediately report such violation to the BOARD. The Board representative may be accompanied by another person who shall act as witness. The Board Deputy shall be accountable to the BOARD and shall be obliged to give a report of his/her activities to the Chairman.

Chapter XII NATIONAL AND LOCAL REGULATORY COUNCILS

SECTION 1. NATIONAL REGULATORY COUNCIL. – The BOARD may constitute and organize a National Regulatory Council for Motion Picture and Television, to be headed by the Chairman, the composition of which shall be drawn and designated from appropriate government agencies, from associations belonging to the movie and television industry, and from civic or religious organizations. The Council shall advise the BOARD on problems relevant to the implementation of the objectives of PD 1986 and its Implementing Rules and Regulations. They shall serve without compensation and for such period of time as the Chairman of the Board shall determine.

SECTION 2. LOCAL REGULATORY COUNCIL. – The BOARD may also constitute and organize Local Regulatory Councils in every province, city, or municipality in the Philippines, with officers and members designated from local government agencies, associations belonging to the movie and television industries, and civic or religious organizations. Such Local Regulatory Councils shall assist the BOARD in the implementation of PD 1986 and its Implementing Rules and Regulations. They shall serve without compensation and for such period of time as the Chairman of the BOARD shall determine.

Chapter XIII VIOLATIONS AND ADMINISTRATIVE SANCTIONS

SECTION 1. VIOLATIONS AND ADMINISTRATIVE SANCTIONS. – Without prejudice to the immediate filing of the appropriate criminal action and the immediate seizure of the pertinent articles pursuant to Section 13, any violation of PD 1986 and its Implementing Rules and Regulations governing motion pictures, television programs, and related promotional materials shall be penalized with suspension or cancellation of permits and/or licenses issued by the Board and/or with the imposition of fines and other administrative penalty/penalties. The Board recognizes the existing Table of Administrative Penalties attached without prejudice to the power of the Board to amend it when the need arises. In the meantime, the existing revised Table of Administrative Penalties shall be enforced.

SECTION 2. HEARING AND ADJUDICATION. – Any administrative complaint for violation of PD 1986 and its Implementing Rules and Regulations shall initially be heard by the Chairman. If the alleged violator admits the violation, the Chairman shall impose the appropriate penalty. If the violator does not admit the alleged violation, then the Chairman shall refer the case to the Hearing and Adjudication Committee composed of at least THREE (3) Board Members designated by the Chairman at least one (1) of whom shall be a member of the Philippine Bar.

SECTION 3. PREVENTIVE SUSPENSION ORDER. – Any time during the pendency of the case, and in order to prevent or stop further violations or for the interest and welfare of the public, the Chairman of the Board may issue a Preventive Suspension Order mandating the preventive seizure of offending motion pictures and related publicity materials and/or suspension of the permit/permits involved, and/or closure of the erring movie house, television network, cable TV station, and other related establishments or the temporary/preventive dismantling or tearing down of public signs and billboards provided that the temporary/preventive order thus issued shall have a life of not more than twenty (20) days from the date of issuance.

SECTION 4. HEARING RULES BEFORE THE BOARD. – In hearings before the Board, appropriate flexibility and liberality shall be observed while strict technical rules of procedure shall be shunned although the Rules of Court and/or the Administrative Code may have supplementary application.

SECTION 5. DECISIONS OF THE BOARD. – The Board shall decide the case within THIRTY (30) DAYS following the last submission that it may require or the expiration of the period given and such decision shall be in writing and shall present its basis clearly and distinctly.

SECTION 6. FINALITY OF DECISION OF THE BOARD. – Decisions of the Board (including that of the Chairman and the Hearing and Adjudication Committee) shall become final and executory after the lapse of the period for appeal without any appeal having been perfected.

Chapter XIV OTHER PROVISIONS

SECTION 1. SINKING FUND. – To effectively discharge its duties, the BOARD shall administer at all times the Sinking Fund established under Section 20 of PD No. 1986, which fund consists of the fees and charges it levies, assesses and collects and which the BOARD shall exclusively use for the BOARD'S operations/administration and acquisition of facilities, supplies and equipment it needs.

SECTION 2. REPEAL. – Any prior rule, regulation, circular, or order that is inconsistent with the above provisions shall be deemed amended, modified, or repealed.

SECTION 3. EFFECTIVITY. - These Rules and Regulations of the BOARD shall become effective FIFTEEN (15) DAYS after publication in TWO (2) NEWSPAPERS of general circulation in the Philippines.

Approved by the Movie and Television Review and Classification Board on February 24, 2004 in a meeting called for the purpose of amending the Implementing Rules and Regulations of Presidential Decree 1986.

Certified by:

EDITHA G. DEMETRIA (sgd.)
Executive Director

Noted by:

MA. CONSOLIZA P. LAGUARDIA (sgd.)
Chairman