

October 5, 1985

PRESIDENTIAL DECREE NO. 1986

CREATING THE MOVIE AND TELEVISION REVIEW AND CLASSIFICATION BOARD

WHEREAS, the movie and television industry has been beset with manifold and multifarious problems accented by its nebulous stance towards the Board of Review for Motion Pictures and Television reorganized under Executive Order No. 876-A;

WHEREAS, the movie and television industry is now on the brink of economic collapse, that unless remedial measures are undertaken, this grave emergency facing the industry will be a roadblock to the early economic recovery program of the government;

WHEREAS, there is an urgent need to rationalize the movie and television industry vis-a-vis the body regulating and supervising its operations;

WHEREAS, a regulatory body must not only function in reviewing and censoring films or television programs brought before it but must also initiate the plans and cooperate with the industry to improve, upgrade and make viable the industry as one source of fueling the national economy;

WHEREAS, the disqualification of persons engaged in or connected with the movie and television industry from membership in the existing Board of Review for Motion Pictures and Television has deprived said Board of innovative and fresh ideas toward the improvement and development of the film and television industry;

WHEREAS, the participation of the leaders of the various sectors of the industry could be a prelude to self-regulation and policing by the members themselves once they have demonstrated their maturity, self-reliance and dependability;

WHEREAS, unless the grave emergency confronting the movie and television industry is remedied with dispatch, it will weaken the designed chain of the economic measures to achieve an early economic recovery of the country, not to mention the collapse of the industry and the loss of livelihood of about 75,000 families and 500,000 workers dependent on the industry.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree:

SECTION 1. Creation. - There is hereby created a Movie and Television Review and Classification Board, hereinafter referred to as the Board, under the Office of the President of the Philippines. The BOARD shall have its principal office in Metropolitan Manila.

SECTION 2. Composition; qualifications; benefits. - The BOARD shall be composed of a Chairman, a Vice-Chairman and thirty (30) members, who shall all be appointed by the President of the Philippines. The Chairman, the Vice-Chairman, and the members of the BOARD, shall hold office for a term of one (1) year, unless sooner removed by the President for any cause; Provided, That they shall be eligible for re-appointment after the expiration of their term. If the Chairman, or the Vice-Chairman or any member of the BOARD fails to complete his term, any person appointed to fill the vacancy shall serve only for the unexpired portion of the term of the BOARD member whom he succeeds.

No person shall be appointed to the BOARD, unless he is a natural-born citizen of the Philippines, not less than twenty-one (21) years of age, and of good moral character and standing in the community; Provided, That in the selection of the members of the BOARD due consideration shall be given to such qualifications as would produce a multi-sectoral combination of expertise in the various areas of motion picture and television; Provided, further, That at least five (5) members of the BOARD shall be members of the Philippine Bar. Provided, finally That at least fifteen (15) members of the BOARD may come from the movie and television industry to be nominated by legitimate associations representing the various sectors of said industry.

The Chairman, the Vice-Chairman and the other members of the BOARD shall be entitled to transportation, representation and other allowances which shall in no case exceed FIVE THOUSAND PESOS (P5,000.00) per month.

SECTION 3. Powers and Functions. - The BOARD shall have the following functions, powers and duties:

- a) To promulgate such rules and regulations as are necessary or proper for the implementation of this Act, and the accomplishment of its purposes and objectives, including guidelines and standards for production, advertising and titles. Such rules and regulations shall take effect after fifteen (15) days following their publication in newspapers of general circulation in the Philippines;
 - 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, 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 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 wrong or crime, such as but not limited to:
 - i) Those which tend to incite subversion, insurrection, rebellion or sedition against the State, or otherwise threaten the economic and/or political stability of the State;
 - ii) Those which tend to undermine the faith and confidence of the people in their government and/or the duly constituted authorities;
 - iii) Those which glorify criminals or condone crimes;
 - iv) Those which serve no other purpose but to satisfy the market for violence or pornography;
 - v) Those which tend to abet the traffic in and use of prohibited drugs;
 - vi) Those which are libelous or defamatory to the good name and reputation of any person, whether living or dead; and
 - vii) Those which may constitute contempt of court or of any quasi-judicial tribunal, or pertain to matter which are sub-judice in nature.Provided, however, That deletions or cuts must not be made on the master negative of the films, and that such master negative shall be deposited with the Film Archives of the Philippines and shall be released for export purposes to the film owner only upon showing of the proper export permit; Provided, finally, That the film owner shall execute his own undertaking that such master negative shall be exclusively used for export purposes and not for local showing;
- To supervise, regulate, and grant, deny or cancel, permits for the importation, exportation, production, copying, distribution, sale, lease, exhibition, and/or television broadcast of all motion pictures, television programs and publicity materials, to the end

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;

d) To classify motion pictures, television programs and similar shows into categories such as "G" or "For General Patronage" (all ages admitted), "P" or "Parental Guidance Suggested", "R" or "Restricted" (for adults only), "X" or "Not for Public Viewing", or such other categories as the BOARD may determine for the public interest;

e) To close movie houses and other similar establishments engaged in the public exhibition of motion pictures and television programs which violate the provisions of this Act and the rules and regulations promulgated by the BOARD pursuant hereto;

f) To levy, assess and collect, and periodically adjust and revise the rates of, fees and charges for the work of review and examination and for the issuance of the license and permits which the BOARD is authorized to grant in the exercise of its powers and functions and in the performance of its duties and responsibilities;

g) 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 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 agency for assistance in the implementation and enforcement of its decisions, orders or awards;

h) To cause the prosecution, on behalf of the People of the Philippines, of violators of this Act, of anti-trust, obscenity, censorship and other laws pertinent to the movie and television industry;

i) To prescribe the internal and operational procedures for the exercise of its powers and functions as well as the performance of its duties and responsibilities, including the creation and vesting of authority upon sub-committees of the BOARD for the work of review and other related matters; and

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

SECTION 4. Decision. - The decision of the BOARD either approving or disapproving for exhibition in the Philippines a motion picture, television program, still and other pictorial advertisement submitted to it for examination and review must be rendered within a period of ten (10) days which shall be counted from the date of receipt by the BOARD of an application for the purpose, together with motion picture, television program, still or other pictorial advertisement to be reviewed.

For each review session, the Chairman of the BOARD shall designate a sub-committee composed of at least three BOARD members to undertake the work of review. Any disapproval or deletion must be approved by a majority of the sub-committee members so designated. After receipt of the written decision of the sub-committee, a motion for reconsideration in writing may be made, upon which the Chairman of the BOARD shall designate a sub-committee of five BOARD members to undertake a second review session, whose decision on behalf of the BOARD shall be rendered through a majority of the sub-committee members so designated and present at the second review session. This second review session shall be presided over by the Chairman, or Vice-Chairman, or by a member designated by the Chairman. The decision of the BOARD in the second review session shall be rendered within five (5) days from the date of receipt of the motion for reconsideration.

Every decision of the BOARD disapproving a motion picture, television program or publicity material for exhibition in the Philippines must be in writing, and shall state the reasons or grounds for such disapproval. No film or motion picture intended for exhibition at movie houses or theaters or on television shall be disapproved by reason of its topic, theme or subject matter, but upon the merits of each picture or program considered in its entirety.

The second decision of the BOARD shall be final, with the exception of a decision disapproving or prohibiting a motion picture or television program in its entirety which shall be appealable to the President of the Philippines, who may himself decide the appeal, or be assisted either by an ad hoc committee he may create or by the Appeals Committee herein created.

An Appeals Committee in the Office of the President of the Philippines is hereby created composed of a Chairman and four (4) members to be appointed by the President of the Philippines, which shall submit its recommendations to the President. The Office of the Presidential Assistance for Legal Affairs shall serve as the Secretariat of the Appeals Committee.

The decision of the President of the Philippines on any appealed matter shall be final.

SECTION 5. Executive Officer. - The Chairman of the BOARD shall be the Chief Executive Officer of the BOARD. He shall exercise the following functions, powers and duties:

- a) Execute, implement and enforce the decisions, orders, awards, rules and regulations issued by the BOARD;
- b) Direct and supervise the operations and the internal affairs of the BOARD;
- c) Establish the internal organization and administrative procedures of the BOARD, and recommend to the BOARD the appointment of the necessary administrative and subordinate personnel; and
- d) Exercise such other powers and functions and perform such duties as are not specifically lodged in the BOARD.

The Chief Executive Officer shall be assisted by an Executive Director who shall be appointed by the President of the Philippines. The Executive Director shall hold office for a term of one (1) year, unless sooner removed by the President of the Philippines for any cause; Provided, That any appointee shall be eligible for re-appointment after the expiration of his term.

Unless otherwise provided by law, the Chief Executive Officer shall receive an annual salary of SEVENTY TWO THOUSAND PESOS (P72,000.00) and the Executive Director shall receive an annual salary of SIXTY THOUSAND PESOS (P60,000.00).

SECTION 6. Examination and Review. - Except members of the BOARD, persons specifically authorized by the BOARD, and two representatives each of the distributor and/or producer and exhibiter of the motion picture, television program or publicity material under examination and review, no person shall be allowed inside the screening room during the examination and review of said motion picture, television program or publicity material. Before each review session, the distributor or producer shall submit to the BOARD a sworn statement declaring the exact number of prints made for the picture or material to be examined or reviewed.

SECTION 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, 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.

SECTION 8. Posting or Display of Certificate or Label. - The motion picture exhibitors 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 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.

SECTION 9. Admission to Moviehouses or Theaters. - It shall be unlawful for any person below eighteen years of age to enter, to misrepresent or make use of any false evidence about his or her age in order to gain admission into, a movie house or theater showing a motion picture classified as "Restricted" or "For Adults Only" by the BOARD. It shall be also unlawful for any employee of a movie house or theater to sell to, or receive from, another person known to the former to be below eighteen years of age any admission ticket to the exhibition of motion pictures classified as "Restricted" or "For Adults Only". In case of doubt as to the age of the person seeking admission, the latter shall be required to exhibit his or her residence certificate or other proof of age.

SECTION 10. Definition of Terms. - For purposes of this Act, the following terms shall mean:

1. Motion Picture - A series of pictures projected in a screen in rapid succession, with 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 medium and with whatever mechanism or equipment they are projected, and in whatever material they are preserved or recorded for instant projection, for the purpose of this Act, the material in which the motion picture is contained, preserved, or recorded, forms an integral part of the motion picture subject of this Act.

2. Television Broadcast - Public showing by transmitting sound or images by television or similar equipment, including cable television, and other limited audience distribution.

3. General Viewing - Making motion pictures available to general public for its viewing through convenient film packs or similar materials sold, leased, or lent in commercial outlets, public lending clubs, and similar organizations.

4. Non-Theatrical Distribution -

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

b) Showing long or short motion pictures to organizations, societies, clubs, groups, etc. Such as films for children, educational, documentary, cultural, scientific, newsreel, industrial, sales, public relations, and instructional films.

5. Theatrical Distribution - Public showing and/or exhibition in any cinema or theater or in any other place of motion pictures imposing admission fees on persons for entertainment, education, information and advertising.

6. An Adult - is any person eighteen (18) years of age or over.

7. Review Session - shall mean the review and examination of motion pictures, television programs and similar shows, or publicity materials, by the BOARD.

SECTION 11. Penalty. - Any person who violates the provisions of this Decree and/or the implementing rules and regulations issued by the BOARD, shall, upon conviction, be punished by a mandatory penalty of three (3) months and one day to one (1) year imprisonment plus a fine of not less than fifty thousand pesos but not more than one hundred thousand pesos. The penalty shall apply whether the person shall have committed the violation either as principal, accomplice or accessory. If the offender is an alien, he shall be deported immediately. The license to operate the movie house, theater, or television station shall also be revoked. Should the offense be committed by a juridical person, the chairman, the president, secretary, treasurer, or the partner responsible therefore, shall be the persons penalized.

The provisions of Presidential Decree No. 968, as amended (Probation Law) shall not apply in cases of violations of this Decree.

SECTION 12. Banning of Motion Pictures and Television Programs. - In the event a motion picture or television program, after examination and review by the BOARD, is declared unfit for exhibition in the Philippines, the said motion picture or television program shall be returned by the importer or distributor thereof to the country of origin or to any other place outside of the Philippines within a period of thirty days, which shall be counted from the date of receipt by the importer or distributor of the decision of the BOARD banning the motion picture or television program for exhibition in the Philippines, and all customs duties and internal revenue taxes paid by the importer or distributor on account of the importation to and entry into the Philippines of the said motion picture or television program shall be automatically refunded by the government office concerned to the said importer or distributor. A copy of the decision of the BOARD banning a motion picture or television program for exhibition in the Philippines shall be furnished to the Commissioner of Internal Revenue and to the Collector of Customs of the port of entry of the said motion picture or television program, and the same shall constitute a sufficient authority to the Commissioner of Internal Revenue and the Collector of Customs concerned to refund the internal revenue taxes and customs duties paid by the importer or distributor on account of the importation of the banned motion picture or television program.

SECTION 13. Inspection. - In addition to its powers vested by law, and for the effective enforcement of the provisions of this act, the BOARD or its duly authorized representatives shall have the power to inspect all public exhibitions of any motion picture or publicity material in movie houses, theaters and other public establishments, and in any case, upon discovery of any motion picture or publicity material which, although previously approved by the BOARD, has been tampered with to introduce any unapproved matter, to immediately seize the article containing or incorporating such unapproved matter and to cause the prosecution of the person(s) responsible for the violation of this Act, Presidential Decree No. 49 and/or the Revised Penal Code, as amended.

Upon conviction of the violator(s), the materials seized as well as the other proceeds or instruments of the crime shall be disposed of in accordance with the Revised Penal Code, as amended. SECTION 14. Manila Film Center. - Motion pictures imported or produced by the management of the Manila Film Center whether singly or in joint venture with Filipino or foreign citizens, corporations or groups shall not be subject to the jurisdiction, supervision and control of the BOARD; Provided, That, such motion pictures are exhibited or shown only in the Film Center; Provided, further, That such motion pictures shall be subject to review and examination by the BOARD in case they are distributed for general viewing elsewhere in the Philippines.

SECTION 15. Abolition of the Board of Review for Motion Pictures and Television. - The Board of Review for Motion Pictures and Television (BRMPT) created under Republic Act No. 3060, as amended, is hereby abolished, and its powers and functions are hereby transferred to the BOARD. Such transfer shall include the corresponding balances of appropriations, records, equipment, properties, and such personnel as may be necessary; Provided, That the BOARD shall effect the transfer herein provided in a manner that will ensure the least disruption of operations. All personnel affected by the abolition shall be deemed separated from the service, unless re-appointed to appropriate positions in the BOARD. Any affected officer or employee not re-appointed, or who refuses his re-appointment, shall be paid the money value of his accumulated vacation and sick leaves and such retirement benefits as may be due to him under existing laws. Any person not qualified for retirement benefits shall be paid a fraction of more than six months being considered one whole year payable in lump sum based on the highest monthly salary received from the savings and salary lapses in the BRMPT.

The incumbent Chairman, Vice-Chairman and members, and personnel of the BRMPT shall continue to perform their duties and functions in a hold-over capacity, until the new Chairman and at least five members of the BOARD shall have been appointed and qualified.

SECTION 16. Organizational Pattern Personnel. - The BOARD shall determine its organizational structure and its staffing patterns. It shall have the power to suspend or dismiss for cause any employee and/or approve or disapprove the appointment, transfer or detail of employees. It shall appoint the Secretary of the BOARD who shall be the official custodian of the records of the meetings of the BOARD and who shall perform such other duties and functions as directed by the BOARD.

SECTION 17. Applicability of Civil Service Law. - The BOARD and its officers and employees shall be subject to the Civil Service Law, rules and regulations; Provided, That technical personnel shall be selected on the basis of merit and fitness to be determined in accordance with such policies and guidelines as may be approved by the BOARD.

SECTION 18. Commission on Audit. - The Chairman of the Commission on Audit shall be the ex officio Auditor of the BOARD. For this purpose, he may appoint a representative who shall be the auditor of the BOARD, together with the necessary personnel to assist said representative in the performance of his duties. The number and salaries of the auditor and said personnel shall be determined by the Chairman of the Commission on Audit. Said salaries and all other expenses of maintaining the auditor's office shall be paid by the BOARD.

The Auditor shall, as soon as practicable, but not later than three (3) months after the accounts have been submitted to audit, send an annual report to the BOARD. The Auditor shall also submit such periodic or special reports as the BOARD may deem necessary or proper.

SECTION 19. Annual Report. - The BOARD shall, within three months after the end of every fiscal year, submit its annual report to the President. 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 industry.

SECTION 20. Sinking Fund. - Notwithstanding any provision of law, rule or regulation, executive or administrative order to the contrary, there is hereby established a Sinking Fund, to be administered at all times by the BOARD, consisting of all such fees and charges levied, assessed, and collected by the BOARD which shall be at immediate disposal of the BOARD to be used exclusively for the operational and administrative expenses of the BOARD and for the acquisition of necessary facilities, supplies and equipment.

SECTION 21. Assistance in the Enforcement Functions of the BOARD. - The BOARD may solicit the direct assistance of other agencies and units of the government, and deputize, for a fixed and limited period, the heads or personnel of such agencies and units to perform enforcement functions for the BOARD. The government agencies and units exercising the enforcement functions for the BOARD shall, insofar as such functions are concerned, be subject to the direction and control of the BOARD.

SECTION 22. Repealing Clause. - Any provision, law, decree, executive or administrative order, rule or regulation inconsistent with this Decree, is hereby repealed, amended, or modified accordingly.

SECTION 23. Separability Clause. - The provisions of this Decree are hereby deemed separable. If any provision thereof be declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions which shall remain in full force and effect. SECTION 24. Effectivity. - This Decree shall take effect after fifteen (15) days following its publication in the Official Gazette and/or in newspapers of general circulation in the Philippines.

DONE in the City of Manila, this 5th day of October, in the year of Our Lord, nineteen hundred and eighty-five.