

# [ PRESIDENTIAL DECREE NO. 1986, October 05, 1985 ]

## 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.

**SEC. 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.

**SEC. 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 a 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 matters which are subjudice 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 viewing;

d) 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;

e) 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;

f) To close moviehouses 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;

g) 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 licenses 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;

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 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;

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

**SEC. 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 subcommittee 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 the 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 moviehouses 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 Philip pines, 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.