

[VRB, January 28, 1991]

REVISED RULES AND REGULATIONS

Pursuant to Section 3, paragraph 9, of Presidential Decree No. 1987, the Videogram Regulatory Board hereby enacts and promulgates the following Revised Rules and Regulations:

Chapter I Definition of Terms

SECTION 1. Meaning of Terms – as used in these Rules and Regulations, the following terms shall mean:

- a. **VRB or Board**– the Videogram Regulatory Board created under Presidential Decree No. 1987.
- b. **Videograms** – video cassette tapes, discs, similar software, or any other technical variation thereof, containing pre-recorded visual images and sounds of any cinematographic art or work, performance, or event that can be reproduced on television screens and other projection equipment. Videograms, however, do not include video games and computer tapes, discs, and similar software and equipment used for games and amusement purposes which may require the active participation of the viewer.
- c. **Cinematographic arts or works** – artistic creations that employ a series of pictures projected on 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.
- d. **Rights** – the consent, approval, or authority given by the producer, importer, licensee, or lessee of cinematographic art or work for the commercial exploitation of such art or work in videogram.
- e. **Production** – the act of business of filming on videograms, any cinematographic art or work, performance or event for public exhibition or home viewing.
- f. **Reproduction** – the act or business of film transferring, copying, duplicating, taping, or dubbing into videograms cinematographic art or work performance or event.
- g. **Distribution** – the act or business of commercial exploitation and disposition of any cinematographic art or work, performance or event through the medium of videogram, in a specific territory, of acquired videograms rights whether from local or foreign film owners. Distribution includes the act of importation or exportation of videograms.
- h. **Dealership** – the particular act or business of selling, or leasing of videograms in commercial quantities to retailers or retail outlets. Dealership includes the activity of servicing the taping of videograms for others.
- i. **Retail** – the act or business of selling, renting out, or disposing of videograms to the public.

- j. **Public exhibition** – the act or business of showing of cinematographic art or work performance or event in videograms thereof in public places such as theaters, moviehouses, restaurants, hotels, motels, barns, halls, lounges, plazas, disco houses, beerhouses, pubs, airlines, ships, and other similar places that are open to the general public and private places where the showing is for monetary or promotional considerations, or where fifteen (15) or more persons are present.
- k. **Disposition** – the manner or method of exploitation of videograms for commercial or promotional purpose, such as, distributing, producing, reproducing, marketing, selling, leasing, renting or public exhibition.
- l. **Accreditation** – the act of recognition given to field sales or rental representatives of distributors, reproducers, dealers, and retailers to sell or rent out videograms.
- m. **Commercial license** – the authority issued to video establishments registered by a person whether natural or juridical, to engage in the business or production, distribution, reproduction, selling, renting, or public exhibition of videograms. Selling or renting includes sales or leases either by a dealer or retailer.
- n. **Commercial permit** – the authority issued for the commercial reproduction, distribution, selling, renting or exhibition of videograms reviewed and as classified by the Board. Commercial licenses are issued to video establishments while commercial permits are given for the commercial or promotional exploitation of videograms.
- o. **Review** – the process conducted by the Board of examining the content of the videograms and determining whether, using the standards set by law, they are fit for reproduction, distribution, sale, rent, or public exhibition.
- p. **General patronage or G** – a classification rating for videograms that may be viewed by persons of all ages.
- q. **Parental guidance or P** – a classification rating for videograms cautioning parents on their contents and the need for parental counsel in their appreciation.
- r. **Restricted or R** – a classification rating for videograms that are fit for viewing only by adults. Adults, for the purpose of these Rules and Regulations are persons eighteen (18) years of older.
- s. **X** – a classification rating of videograms disapproved by the Board.
- t. **Credits** – this refers to the pre-dubbed audiovisual or opening and closing characters and letters identifying the classification rating of the videogram, accompanied by the VRB logo, placed before and after the videogram film.
- u. **Rating labels** – these are pre-printed markings indicating the classification rating for specific audiences together with the VRB logo and a numbered monitoring system.

Chapter II

Objectives of the Board

SECTION 4. Objectives – In discharging its duties, the Board shall be guided by the following objectives:

- a. To maintain videogram as a wholesome medium for entertainment, education, and information, protecting it from the inroads of obscenity, unjustified violence, and other materials that corrode the moral and social values of the community.

- b. To protect owners of cinematographic arts or works or their assignees and persons legitimately reproducing such works in videogram form against the evils of piracy.
- c. To promote, develop, and maintain a legitimate and viable videogram industry, and harness its potentials as a source of foreign exchange through, among others, the export of cinematographic art or work.
- d. To promote and maintain a mutually beneficial relationship among cinematographic producers, owners or assignees, movie houses, and television operators, and those engaged in the business of disseminating videograms to the end that the need for wholesome entertainment, education, and information through the various media is served.
- e. To facilitate and ensure the collection by the government of the prescribed fees and charges from persons and establishments engaged in the videogram business, and
- f. In general, to promote and protect the public welfare through the proper supervision and regulation of the videogram industry.

Chapter III

Registration and Commercial License

SECTION 3. Registration – All persons engaged in the videogram business of production, reproduction, importation, exportation, distribution, sale, rental, or public exhibition shall register with the Board.

An applicant engaged in one or more of the above mentioned business classifications and who conducts business in several locations shall separately register every business classification in each place of business*

SECTION 4. Application Fee – Persons applying for registration with the Board shall accomplish the prescribed form, submit proof of authority to do business in the Philippines and pay the corresponding registration fee fixed by the Board.

SECTION 5. Commercial License – Independent of the registration with the Board, no person may engage in the business of production, reproduction, importation, exportation, exhibition, distribution, sale, rental or public exhibition of videograms without a commercial license from the Board. The commercial license shall be issued to qualified persons registered with the Board upon payment of the license fee fixed by it and shall be valid for a period as determined by the Board.

SECTION 6. Surcharge – A surcharge shall be imposed on late registration or late renewal of commercial license.

SECTION 7. Lack of Registration or Commercial License – Video establishments operating without registration or commercial license shall be subject to appropriate administrative and criminal penalties.

SECTION 8. Limitation to Number and Location of Registrants and Licenses – In the interest of effective supervision and regulation, the Board may set a limit to the number and location of establishments in the videogram business.

Chapter IV

Rights Over Cinematographic Art or Work

SECTION 9. Reproduction of Cinematographic Art or Work – No person registered and permitted to engage in the Videogram industry may copy or reproduce any cinematographic art without the written consent or approval of the producer, importer or licensee of the cinematographic art to be copied or reproduced within a period of six (6) months after it is first released for theatrical exhibition, unless the producer, importer or licensee agrees to a shorter period.

SECTION 10. Sale, Lease or Disposition of Videograms – No videogram including, among others videotapes, discs, cassettes or any technical variation thereof, shall be sold, leased or otherwise disposed of unless first registered with the Board with the corresponding registration identification or seal in such form and manner as may be provided by the Board.

Chapter V

Review of Videogram Content

SECTION 11. Matter Subject to Review – All commercial videograms shall be subject to review by the Board before they are reproduced, distributed, sold, rented or publicly exhibited.

SECTION 12. Standards for Review – The Board shall judge the content of a videogram submitted to it for review, using as standard contemporary Filipino cultural values, and disallowing that which is objectionable for being immoral, indecent, libelous, contrary to law or good customs, injurious to the prestige of the Republic of the Philippines and its people, or for having a dangerous tendency to encourage or fan hatred, the commission of violence or of a wrong or crime, such as but not limited to:

- a. 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;
- b. Those which tend to undermine the faith and confidence of the people in their government and/or duly constituted authorities;
- c. Those which glorify criminals or condone crimes;
- d. Those which are libelous or defamatory to the good name and reputation of any person, whether living or dead;
- e. Those which tend to abet the trafficking and use of prohibited drugs;
- f. Those which may constitute contempt of court or of any quasi-tribunal, whether any litigation on the subject of the video is pending or not before such court or tribunal;
- g. Those which clearly constitute an attack against any race, creed, or religion as distinguished from individual members thereof; and
- h. Those which serve no other purpose but to satisfy the market for excessive violence or pornography.

Pornography as here used is synonymous with obscenity, the test of which is whether the material, in whole or in part, tends to weaken the moral fiber of the community, whether young or old, or tends to lead to anti-social or socially counter-productive behavior; when utterly bereft of redeeming social value, such as, but not limited to:

1. the depiction of sex without consent;
2. the depiction of sex with or among children under the age of twelve (12) years;
3. the depiction of sex with animals or *zooerastia*;
4. the depiction of *satyriasis* or nymphomania;
5. the depiction of anal intercourse, bondage, sadomasochism, and similar acts;
6. the depiction of sexual orgies like group sex or unabated sex;
7. the depiction of sexual licentiousness, libertinism or hedonism, or
8. the depiction even of normal copulation;

The test of unjustified or excessive violence is whether the material, in whole or in part, tends to lead the community, whether young or old, into violent anti-social or socially counter-productive behavior, or whether it is utterly bereft or redeeming social value, such as, but not limited to:

1. the depiction of violent individual or group oppression, or repression of the physically and socially weak;
2. the depiction of brutality;
3. the depiction of carnage, genocide, and similar acts;
4. the depiction of sado-masochism;
5. the depiction of violence in sex; and
6. the depiction of gory and visceral results or aftermath of violence.

In the determination of whether or not a film tends to weaken the moral fiber or to induce anti-social or socially counter-productive behavior the primary concern is not the theme or plot, but the express or implied message which the scene, action or dialogue thereof conveys.

The test in each case is the impact of the entire film, rather than of its isolated portions on the average person in the community, in the light of present-day standards of morality and sound behavior.

SECTION 13. Who May Apply for Review – Any duly registered and licensed video producer or distributor may apply for the review and the issuance of a permit to distribute, sell, rent, or publicly exhibit a particular videogram. For the purpose of these Rules the applicant must present the necessary document evidencing the right to use and dispose of it for the reasons applied for.