

[PRESIDENTIAL DECREE NO. 1987, October 05, 1985]

AN ACT CREATING THE VIDEOGRAM REGULATORY BOARD.

WHEREAS, the proliferation and unregulated circulation of videograms including, among others, videotapes, discs, cassettes or any technical improvement or variation thereof, have greatly prejudiced the operations of movie-houses and theaters, and have caused a sharp decline in theatrical attendance by at least forty percent (40%) and a tremendous drop in the collection of sales, contractors specific, amusement and other taxes, thereby resulting in substantial losses estimated at P450 Million annually in government revenues;

WHEREAS, videograms establishments collectively earn around P600 Million per annum from rentals, sales and disposition of videograms, and such earnings have not been subjected to tax, thereby depriving the Government of approximately P180 Million in taxes each year;

WHEREAS, the unregulated activities of videogram establishments have also affected the viability of the movie industry, particularly the more than 1,200 moviehouses and theaters throughout the country, and occasioned industry-wide displacement and unemployment due to the shutdown of numerous moviehouses and theaters;

WHEREAS, in order to ensure national economic recovery, it is imperative for the Government to create an environment conducive to the growth and development of all business industries, including the movie industry which has an accumulated investment of about P3 Billion;

WHEREAS, proper taxation of the activities of video-gram establishments will not only alleviate the dire financial condition of the movie industry upon which more than 75,000 families and 500,000 workers depend for their livelihood, but also provide an additional source of revenue for the Government, and at the same time rationalize the heretofore uncontrolled distribution of videograms;

WHEREAS, the rampant and unregulated showing of obscene videogram features constitutes a clear and present danger to the moral and spiritual well-being of the youth, and impairs the mandate of the Constitution for the State to support the rearing of the youth for civil efficiency and the development of moral character and promote their physical, intellectual, and social well-being;

WHEREAS, civic-minded citizens and groups have called for remedial measures to curb these blatant malpractices which have flaunted our censorship and copyright laws;

WHEREAS, in the face of these grave emergencies corroding the moral values of the people and betraying the national economic recovery program, bold emergency measures must be adopted with dispatch;

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 an office to be known as the Videogram Regulatory Board, hereinafter referred to as the BOARD, which shall have its principal office in Metro Manila and shall be under the Office of the President of the Philippines. The BOARD shall regulate the importation, exportation, production, reproduction, distribution, exhibition, showing, sale, lease or disposition of videograms including, among others, videotapes, discs, cassettes or any technical improvement or variation thereof in accordance with such rules and regulations to be adopted by the BOARD.

SEC. 2. *Composition of the Board.*— The Board shall be composed of a Chairman, a Vice-Chairman and eighteen (18) members who shall all be appointed by the President of the Philippines to serve for a term of one (1) year, unless sooner removed by the President for any cause; *Provided*, That they shall be eligible for reappointment after the expiration of their term. If the Chairman or Vice-Chairman or any of the members 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 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 the videogram industry; *Provided, further*, That at least five (5) members must be members of the Philippine Bar.

The Chairman, Vice-Chairman and 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 powers and functions:

1. To supervise, regulate, grant, deny or cancel permits for the importation, exportation, production, copying, sale, lease, exhibition or showing of videograms including, among others, videotapes, discs, cassettes or any technical improvement or variation thereof;
2. To approve or disapprove, delete objectionable portions from and/or prohibit the importation, exportation, production, copying, distribution, sale, lease, exhibition or showing of videograms, including, among others, videotapes, discs, cassettes or any technical improvement or variation thereof, which, in the judgment of the BOARD applying contemporary Filipino cultural values as basic standard, are objectionable for being immoral, indecent, libelous, contrary to law or good customs, or injurious to the prestige of the Republic of the Philippines or its people, or with a dangerous tendency to encourage or fan hatred, 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 are libelous or defamatory to the good name and reputation of any person, whether living or dead;
 - v) Those which serve no other purpose but to satisfy the market for excessive violence or hard-core pornography;
 - vi) Those which tend to abet the traffic in and use of prohibited drugs; or
 - vii) Those which commit direct or indirect contempt of any court of justice or quasi-judicial tribunal whether any litigation on the subject of the video is pending or not before such court of tribunal.
3. To classify all videograms into categories such as "For General Patronage". For Adults Only", or such other categories as the BOARD may determine for the public interest;
 4. To close video theaters and other similar establishments engaged in the public exhibition or showing of videograms which violate the provisions of this Decree and the rules and regulations promulgated by the BOARD pursuant thereto;
 5. 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 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;
 6. To review and examine all videograms, including among others, videotapes, discs, cassettes or any technical improvement or variation thereof, as well as publicity materials or advertisements related thereto, with the end in view of making appropriate classification;
 7. To deputize representatives from the government and from the various associations in the videogram industry, whose main duties shall be to help and ensure compliance with all laws, rules and regulations relative to this Decree. For this purpose, the BOARD may constitute such Council or Councils composed of representatives from the government and the videogram industry as may be appropriate to implement the objectives of this Decree. The BOARD may also call upon any law enforcement agency for assistance in the implementation and enforcement of its decisions, orders and rules and regulations;
 8. To cause the prosecution, on behalf of the People of the Philippines, of violators of this Decree and the rules and regulations promulgated or issued by the BOARD.
 9. 9) To promulgate such rules and regulations as are necessary or proper for the implementation of this Decree and the accomplishment of its purposes and objectives. Such rules and regulations shall take effect after fifteen (15) days following their publication in newspapers of general circulation in the Philippines;
 10. To prescribe the internal and operational systems and procedures for the exercise of its powers and functions including the creation and vesting of authority upon sub-committees of the BOARD for the work of review, examination or classification and other related matters; and
 11. To exercise such other powers and functions as may be necessary or incidental to the attainment of the purposes and objectives of this Decree, and to perform such other related duties and responsibilities as may be directed by the President of the Philippines.