

[EXECUTIVE ORDER NO. 876-A, August 05, 1983]

REORGANIZING THE BOARD OF REVIEW FOR MOTION PICTURES AND TELEVISION CREATED UNDER REPUBLIC ACT NO. 3060 AS RENAMED AND RECONSTITUTED UNDER EXECUTIVE ORDER NOS. 585, 745 AND 757 AND EXPANDING ITS FUNCTIONS, POWERS AND DUTIES

WHEREAS, the Board of Censors for Motion Pictures created under Republic Act No. 3060 and renamed and reconstituted as the Board of Review for Motion Pictures and Television under Executive Order Nos. 585, 745 and 757, could not adequately cope with the problems generated by technological advances in motion pictures and television, thereby created grave and serious concern among the various sectors of society;

WHEREAS, the changing times and the new developments, accented by public clamor, stress the need to supervise and regulate, among others, the importation, exportation, production, copying, distribution, sale, lease, exhibition and/or broadcast of motion picture and television programs;

WHEREAS, the Board of Review for Motion Pictures and Television must therefore be revitalized and strengthened to enable it to pursue the purposes and objectives of Republic Act No. 3060 and the aforementioned Executive Orders;

WHEREAS, considering that there have been various Executive Orders implementing Republic Act No. 3060, there is now a need to compile these presidential issuances in one document for purposes of integration and convenience;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution and Presidential Decree No. 1116, as amended by Presidential Decree No. 1772, do hereby order the reorganization of the Board of Review for Motion Pictures and Television, in the process consolidating all previous Acts and Executive Orders relative thereto, as follows:

SECTION 1. There is hereby created an office to be known as the Board of Review for Motion Pictures and Television, hereinafter referred to as the BOARD, which shall have its principal office in Metro Manila, and which shall be under the Office of the President of the Philippines.

SEC. 2. The BOARD shall be composed of a Chairman, two (2) Vice-Chairmen and thirty-two (32) members, who shall all be appointed by the President of the Philippines. The Chairman, the Vice-Chairmen, and the members of the BOARD, shall hold office for a term of four (4) years, unless sooner removed by the President for any cause; Provided, That they shall be eligible for re-appointment after the expiration of their respective terms.

The Vice-Chairmen and the members first appointed shall hold office as follows: one Vice-Chairman shall hold office for two (2) years, and the other Vice-Chairman for four (4) years; and eight members shall hold office for one (1) year, eight members for two (2) years, eight members for three (3) years, and the other eight members for four (4) years, from the date they respectively assumed office. Thereafter, the term of office of the succeeding Vice-Chairmen and the members shall all be four (4) years. If the Chairman or any of the Vice-Chairmen or 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 Philippine, not less than thirty (30) years of age, of good moral character and standing in the community, and not directly or indirectly engaged in or connected with the motion picture, television or any other similar industry: 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 review.

The Chairman shall be entitled to transportation, representation and other allowances which shall in no case exceed SIX THOUSAND PESOS (P6,000.00) per month. The Vice-Chairmen and all other members shall be entitled to honoraria, transportation, representation and other allowances to be determined by the BOARD, subject to the approval of the Office of the Budget and Management.

SEC. 3. The BOARD shall have the following functions, powers and duties:

a) To promulgate such rules and regulations as are necessary on proper for the implementation of Republic Act No. 3060, as amended, 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;

b) To screen, review and examine all motion picture as herein defined, 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 picture 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 or rebellion against 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 offend any race or religion; and
- vi) Those which tend to abet the traffic in and use of prohibited drugs;

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 Experimental Cinema 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 a sworn 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 and publicity materials, to the end that no such pictures and materials as are determined by the BOARD to be objectionable in accordance with paragraph (c) hereof shall be imported, exported, produced, copied, distributed, sold, leased, exhibited and/or broadcast by television;

e) To classify motion pictures, television programs and similar shows into categories such as "For General Patronage", "For Adults Only", or such other categories as the BOARD may determine for the public interest;

f) To close cinema houses, theaters and other establishments engaged in the public exhibition of motion pictures which violate the provisions of this Executive Order 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 depute representatives from the government and private sectors whose main duties shall be to help ensure compliance with all laws relative to the importation, exportation, distribution, sale, lease, exhibition and/or television broadcast of motion pictures, television programs and publicity materials. 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 and other laws pertinent to the movie and/or television industries;

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. The decision of the BOARD either approving or disapproving for exhibition in the Philippines a motion picture, 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, 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 five BOARD members to undertake the work of review. Any disapproval or deletion must be approved by a majority of the sub-committee 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 majority of the BOARD membership to undertake a second review session whose decision on behalf of the BOARD shall be rendered through a majority of the members so designated and present at the second review session. This second review session shall be presided over either by the Chairman or one of the Vice-Chairmen, or by a member designated by the Chairman to take his place. 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 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 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 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 Chairman and four (4) members to be appointed by the President of the Philippines, which shall submit its recommendation to the President. The Presidential Legal Office shall serve as the Secretariat of the Appeals Committee.

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

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