

[NTC JOINT MEMORANDUM CIRCULAR NO. 97-301, February 26, 1997]

IMPLEMENTING GUIDELINES OF THE MEMORANDUM OF AGREEMENT SIGNED ON APRIL 10, 1995 BY NTC, MTRCB, AND VRB

Pursuant to the Memorandum of Agreement signed on April 10, 1995, the National Telecommunications Commission (NTC), the Movie Television Review and Classification Board (MTRCB) and the Videogram Regulatory Board (VRB), operating under their respective charters, hereby promulgate the hereunder guidelines:

Chapter I

Registration and Permit

SECTION 1 All persons, natural or juridical intending to operate a television or cable television station, shall file a verified petition with the NTC, furnishing (he VRB and MTRCB copies of the petition and its attachments, and shall comply with all the requirements and impositions provided for under the pertinent rules and regulations of the NTC.

SECTION 2 Immediately upon receipt of the Provisional Authority from NTC, a television broadcast or CATV operator shall apply for registration and license from the VRB and MTRCB by presenting before such Hoards their NTC Provisional Authority accomplishing the prescribed forms, and complying with all the lequireinents and impositions of the VRB and MTRCB

SECTION 2bis. Within thirty (30) days from the issuance of the authority from NTC, a television biondcast or CATV operator shall present before the N TO a license issued by or proof of registration with the VRB and MTRCB

SECTION 2ter. The failure of the television broadcast or CATV operator to comply with the presentation of a license issued by or proof of registration with the VRB and MTRCB under the preceding section crm be a ground for the NTC (o suspend and/or to cancel the PA. CA or other authority issued after due notice and hearing.

SECTION 2quarter. A television broadcast or CATV operator alleging non-utility of videograms in its operations shall substantiate its claim before the VRB. The issuance of an exemption from registration by the VRB, however, shall not exempt the operator from inspections by agents of the VRB lo verify its claims.

Chapter II

Programs of television or CATV stations and cinematographic works through direct signal, satellite feed or use of videograms

SECTION 3. All programs, cinematographic works, etc. for exhibition or broadcast by a television or CATV operator shall be subject to review and classification by the MTRCB and the VRB, except that in cases of direct signals or satellite feeds, the operators shall take full responsibility of any violation of existing laws, guidelines, programming, or technical standards. In case of a reshooting of any taped program from direct signal or satellite feed, the same shall be subject to post review and classification by the MTRCB and the VRB.

SECTION 4. Only videograms issued Special Commercial Permits by the VRB and Permit to Exhibit by the MTRCB shall be used for television or CATV stations in their programs.

SECTION 5. A registered distributor, to include a television broadcast or a CATV operator, shall register its rights, original or acquired, in films or programs in videogram format with the VRB, submitting to the VRB authenticated documents showing proof of ownership or licensed rights to said films or programs. The VRB shall issue a Special Commercial Permit (SCP) for the videogram whenever so justified under Presidential Decree No. 1987 and its implementing rules and regulations. Such SCP shall be a prerequisite to the review and classification by the MTRCB of said film or program in videogram form.

SECTION 6. In the review and classification by the MTRCB, the standards of review under Presidential Decree

No. 1986 shall be implemented. The MTRCB may then issue a Permit to Exhibit (PTE) with the appropriate classification whenever so justified.

Chapter III

Videotaping of Television or CATV programs, or cinematographic works

SECTION 7. The videotaping or taping of television or CATV programs, broadcast or cinematographic works by any person, whether licensed to reproduce videograms by the VRB or not, prior written authority from its owners, producers, licensees, assignees and the like is strictly prohibited.

SECTION 8. Any person intending to copy, reproduce or videotape programs, broadcast or cinematographic works into videogram format shall first register and be licensed by the VRB as Videogram Reproducer showing before the Board its contract or authority to copy, reproduce or videotape from a VRB licensed distributor apart from complying with other requirements of the Board as a Videogram Reproducer.

SECTION 9. The reproduced videograms shall be submitted in accordance with the procedural requirements to the VRB and MTRCB as provided for under Sections 4, 5, and 6 of these guidelines prior to exhibition.

Chapter IV

Clearing House

SECTION 10. Program and movie producers and distributors, for both local and