

**[ VRB, December 15, 1986 ]**

**RULES OF PROCEDURE**

Pursuant to Section 3(9) of Presidential Decree No. 1987, the following Rules and governing the conduct of hearings before the Videogram Regulatory Board, hereinafter called the Board, are hereby adopted and promulgated.

**Rule I  
Title**

*SECTION 1. Title* – These rules shall be known as the *Rules of Procedure of the Board*.

**Rule II  
Coverage**

*SECTION 2. Coverage* – These rules shall govern hearings on complaints filed with the Board for violation/s of P.D. No. 1987 and the *Rules and Regulations* promulgated pursuant thereto such as, but not limited to, disputed registration or non-registration of a videogram establishment, the failure to secure the necessary permit, the failure to observe the requirements on labeling, the removal, changing or switching of titles and/or classifications, the showing of pornographic or other banned material, and the reproduction, sale, lease, showing or other disposition of videogram/s without the consent of the owner or assignee of cinematographic work/s.

**Rule III  
Construction and Implementation**

*SECTION 1. Construction* – These rules shall be liberally construed in order to effectively attain the objectives and purposes of P.D. No. 1987 and the Rules and Regulation promulgated pursuant thereto.

*SECTION 2. Implementation.* In implementing these rules, the Board shall observe proper flexibility and avoid undue technicality with the end in view of bringing forth the truth and meting out justice as fairly and expeditiously as possible.

Rule IV

Parties

*SECTION 1. Parties* – Any person, natural or juridical, who has cause to complain about any violation of P.D. No. 1987 or the *Rules and Regulations* promulgated pursuant thereto, may file a complaint with the Board against the person or establishment charged with such violation. The former shall be called the complainant, and the latter, the respondent.

*SECTION 2. Appearances* – In all proceedings of the Board, it is preferred that the parties be represented by counsel, provided, however, that a party may appear before the Board without the assistance of counsel if he so desires; and provided, further, that any confession or admission of guilt of a party made without the presence and assistance of counsel may not be used against such party in a criminal action.

## **Rules V Commencement of Proceedings**

*SECTION 1. When Proceedings Deemed Commenced* – Proceedings before the Board are deemed commenced upon the filing of complaint.

*SECTION 2. Pleadings* – The complaint shall be in affidavit form and may be accompanied by supporting affidavit/s, in a set of five (5) copies for the Board and of as many other copies as there are respondents. No other pleading subsequent thereto shall be accepted by the Board without proof of service upon the adverse party. If the Board requires the respondent to file an answer, the same shall be in counter-affidavit form and may also be accompanied by supporting affidavits, in a set of five (5) copies for the Board, and a copy furnished to the complainant.

*SECTION 3. Prohibited Pleadings and Motions* – Motion to dismiss, motion for bill of particulars or to make certain, motion for new trial or for reopening of trial, petition for relief from judgment, motion to declare defendant in default, and dilatory motions for postponement shall not be allowed.

## **Rule VI Summary Procedure**

*SECTION 1. Dismissal* – The Board shall, *motu proprio*, dismiss the complaint if the same is patently without merit.

*SECTION 2. Summons* – If the complaint is *prima facie* meritorious, the Board shall cause the issuance of summons, accompanied by a copy of the complaint's affidavit and supporting affidavit/s, to the respondent, directing the latter to submit counter-affidavit, and supporting affidavit/s, if any, within seven (7) days from receipt of such summons and to affirm the same before the Board. No counter-affidavit shall be accepted for filing with the Board without proof of service thereof to the complainant or his counsel.

*SECTION 3. Judgment, Hearing, When In Order* – Should the Board find upon consideration of the affidavits and other evidences submitted by the parties, that a decision may be rendered thereon without need of a formal hearing, it may proceed to render a decision.

In cases where the Board deems it necessary to clarify specific factual matters before a decision may be rendered, the case shall be set for hearing in accordance with **Rule VII**.

*SECTION 4. Failure to Submit Counter-Affidavit* – If the respondent fails to file his counter-affidavit and to appear as required, without valid reason, the Board upon motion of the complainant or *motu proprio* shall consider the case submitted for resolution and/or decision.