

**[ EXECUTIVE ORDER NO. 868, February 01, 1983 ]**

**REORGANIZING THE BOARD OF REVIEW FOR MOTION PICTURES AND TELEVISION CREATED UNDER REPUBLIC ACT NO. 3060, AS RENAMED AND RECONSTITUTED UNDER EXECUTIVE ORDERS 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, television, video tapes and similar media, thereby creating 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, video taping, distribution, sale, lease, exhibition and/or broadcast of motion pictures, television programs, live entertainment and other similar shows;

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. 1416, 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, Television and Live Entertainment, 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 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 Philippines, 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, video tape, 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 multisectoral 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 or 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 fifteen (15) days following their publication in newspapers of general circulation in the Philippines;

(b) To screen, review and examine all motion pictures 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 viewing, 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, video taping, distribution, sale, lease, exhibition, and/or television broadcast of the motion pictures 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 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.

(d) To supervise, regulate, and grant, deny or cancel, permits for the importation, exportation, production, copying, video taping, 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, video taped, distributed, sold, leased, exhibited, and/or broadcast by television. Towards this end, no foreign individual, corporation or group, whether singly or in joint venture with another local and/or foreign individual, corporation or group, may produce in whole or in part any motion picture, television program or publicity material in the Philippines, without first obtaining the necessary permit from the BOARD upon proof that the proposed picture, program or material is not objectionable in accordance with paragraph (c) hereof;

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

(f) To restrict, prohibit, prevent and take remedial and/or legal action against the illegal or unauthorized reproduction, copying or video taping of motion pictures, television programs or publicity materials, in coordination with the appropriate government agencies enforcing the copyright and other related laws;

(g) To regulate, supervise, and grant, deny or cancel, permits for the operation of cinema houses, theaters, and other establishments engaged in the public exhibition of motion pictures, video tapes and live entertainment;

(h) To ensure and promote high standards of ethics and professionalism in the motion picture and television industries, and, for this purpose, to grant, deny or cancel, professional licenses for the appearance of leading and supporting actors and actresses in any motion picture, television program, live entertainment or similar show. Such licenses shall be renewable every year from the date of issuance thereof; PROVIDED, That only the licenses of leading and supporting actors and actresses who remain in good standing with the BOARD shall be renewed;

(i) 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;

(j) To deputize 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, live entertainment, video tapes 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;

(k) 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;

(l) 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

(m) To exercise such 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 on any storyline, screen sequence, script, motion picture or publicity material submitted to it for examination and review, must be rendered within a period of fifteen (15) working days from the date of receipt by the BOARD of the storyline, screen sequence, script, motion picture or publicity material 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 and supervision of the film cut or removed or erased as decided during the review session. 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 every review session of the BOARD must be in writing and shall concisely state the reasons for the decision and the conclusion thereof. Records and documentation of review sessions shall be considered private and confidential.

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 a 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.