

[MTRCB, July 20, 2005]

IMPLEMENTING RULES AND REGULATIONS ON THE STANDARDS FOR REVIEW AND CLASSIFICATION OF OPTICAL MEDIA MATERIALS FOR PRIVATE VIEWING

WHEREAS, Section 27 of Rep. Act No. 9239 has transferred to the Movie & Television Review and Classification Board (MTRCB) the review and classification functions of the Optical Media Board;

NOW, THEREFORE, pursuant to Section 3 (a) of Presidential Decree No. 1986, the Board hereby approves and promulgates the following implementing rules and regulations on the standards for review and classification of optical media materials for private viewing.

Title

SECTION 1. Title - These rules and regulations shall be referred to as the Review and Classification Rules and Regulations of Optical Media Materials for Private Viewing.

Rule 1
Definition of Terms

SECTION 1. Definition of Terms - as used in these Rules and Regulations, the herein terms shall be defined as follows:

- a. Board - The Movie and Television Review and Classification Board (MTRCB) created under Presidential Decree No. 1986.
- b. Optical Media Material/Material - video cassette tape, film, motion picture, disc or any other technical variation thereof, containing recorded visual images of any cinematographic art or work, performance, or event that can be projected on television screens and other projection equipment. The definition does not include similar software and equipment used for games and amusement purposes which may require the active participation of the user.
- c. Commercial Permit - the authority issued by the Optical Media Board for the commercial reproduction, replication, distribution, selling or renting, of optical media material.
- d. Promotional Material - any material used to generate public interest in or further the growth or development of the optical media material.
- e. Cinematographic Art or Work - artistic creations that employ a series of pictures projected on a screen in rapid succession, with objects shown in successive positions slightly changed so as to produce the optical effect of a continuous picture in which the objects move.
- f. Rights - the consent, approval, or authority given by the producer, importer, licensee, or lessee of cinematographic art or work for the commercial exploitation of such art or work in optical media material.
- g. Disposition - the manner or method of exploitation of optical media material for commercial or promotional purposes, such as distributing, producing, reproducing, marketing, selling or leasing of said material.
- h. Production - the act or business of filming, capturing or imprinting on an optical media material any cinematographic art or work, performance or event.
- i. Reproduction - the act or business of transferring, replicating, copying, duplicating, taping or dubbing, into an optical media material, cinematographic art or work, performance or event.
- j. Distribution - the act or business of commercial exploitation and disposition of any cinematographic art or work, performance, or event in optical media material, within a specific territory, of acquired optical media material rights whether from local or foreign owners. Distribution includes the act of importation or exportation of optical media material.
- k. Dealership - the particular act or business of selling or leasing of optical media material in commercial quantities to retailers or retail outlets. Dealership includes the activity of servicing the reproduction or replicating of optical media for distribution.
- l. Private Viewing/Exhibition - the act of viewing or exhibiting an optical media material in a private place without monetary or promotional consideration and where less than fifteen (15) persons are present during the viewing/exhibition.
- m. Public Exhibition - the act or business of showing of cinematographic work, performance or events in optical media material in public places such as theaters, moviehouses, restaurants, hotels, motels, barns, halls, lounges, plazas, disco houses, beer houses, pubs, airlines, ships, and other similar places that are open to the general public and private places where the showing is for monetary or promotional consideration, or where fifteen (15) or more persons are present during the exhibition.
- n. Certificate of Registration - the authority issued to an entity to transact business with the Board subject to the provisions of Presidential Decree 1986, in relation to the review and classification of optical media material.
- o. Review - the process whereby the Board examines the content of an optical media material to determine whether, based on the standards set by law, is fit for reproduction, distribution, sale or rent intended for private viewing.
- p. Classification - The act or process of reviewing an optical media material and assigning a specific rating either "G" general viewing; "PG" parental guidance; "R" Restricted for Adults; or "X" Disapproved.
- q. Classification Certificate - Certificate issued by the Board certifying that the subject optical media material has been reviewed, classified and issued a corresponding rating.

r. Optical Media Material Label - printed hallmark, insignia or design of the producer or manufacturer defining and identifying the subject optical media material.

s. Credits - the opening and closing segments of the material enumerating and identifying the persons who portrayed the characters therein, the producer, director, and other pertinent data required by law.

Rule 2

Objectives of the Board

SECTION 1. Objectives of the Board - The Board recognizes the various roles of the 'optical media industry' in society, as entertainment, educational and informative. Thus, in the regulation thereof thru content classification, the Board shall promote, develop and maintain the same as a viable industry by protecting it from the inroads of obscenity, unjustified violence, and other objectionable content that corrode the moral and social values of the community.

Rule 3

Registration with the Board

SECTION 1. Annual Registration of Entities - All entities engaged in the business of production, reproduction, importation, distribution and/or dealership of optical media material intended for private viewing thus requiring a classification certificate shall annually register with the Board.

SECTION 2. Separate Registration - An entity engaged in more than one of the businesses cited in the preceding section and has separate and distinct transactions with the Board subject herein shall register each line of business.

SECTION 3. Application and Certificate of Registration - Entities required to register with the Board shall accomplish under oath the prescribed form, submit the documentary requirements and pay the corresponding annual registration fee. The Certificate of Registration shall be issued by the Board accordingly.

SECTION 4. Annual Registration Fee, Surcharge and Penalty - The annual registration fee and other related fees shall be prescribed by the Board. A surcharge and/or penalty shall be imposed on late registration.

Rule 4

Optical Media Material Subject to Review and Classification

SECTION 1. Materials Subject to Review - All optical, media materials, such as but not limited to, motion pictures, films, video tapes, music videos, compact discs and other audio-visual works intended for private viewing shall be subject to review and classification by the Board before they are commercially reproduced, replicated, distributed, sold or leased.

SECTION 2. Application for Review and Classification - All duly registered entities engaged in the business stated herein applying for the review and classification of an optical media material shall accomplish under oath the prescribed application form and submit documents as may be required by the Board.

SECTION 3. Certificate of Classification, Fees - The optical media material shall be accepted for review and classification upon submission of a duly accomplished application for review and classification and payment of the corresponding fees.

Rule 5

Standards for Review and Classification

SECTION 1. Guiding Principles - The Board shall judge the content of the optical media material not on its theme but its treatment of a theme; not on its plot, but on the thesis the plot espouses; not on its parts or portions, but in its entirety and as a whole.

SECTION 2. Standards for Review - The Board shall judge the content of a material submitted for review, applying as basic standard contemporary Filipino cultural values, disallowing that which is objectionable for being immoral, indecent, libelous, contrary to law or good customs, injurious to the prestige of the Republic of the Philippines and its people, such as but not limited to, those materials which:

- a. glorify criminals or condone crimes;
- b. are libelous or defamatory to the good name and reputation of any person, whether living or dead;
- c. tend to abet the trafficking and use of prohibited drugs;
- d. clearly constitute an attack against any race, creed or religion as distinguished from individual members thereof; and,
- e. serve no other purpose but to satisfy the market for excessive violence or pornography.

SECTION 3. Test of Pornography - Pornography, as herein applied, is synonymous with obscenity, the test of which is whether the material tends to weaken the moral fiber of the community or tends to influence the viewer to anti-social or socially counter productive behaviour, and when the same is utterly bereft of redeeming social value, such as but not limited to, the unnecessary depiction of:

- a. sex without consent;
- b. sex with or among children under the age of twelve (12) years;
- c. sex with animals or zoerastia;
- d. satyriasis or nymphomania;
- e. anal intercourse, bondage, sado-masochism and similar acts;
- f. sexual orgies, like group sex or unabated sex;
- g. sexual licentiousness, libertinism or hedonism; or,
- h. even normal copulation.

SECTION 4. Test of Excessive Violence - The test of excessive violence is whether the material tends to lead the community into violent anti-social counterproductive behavior, or whether it is utterly bereft of redeeming social value, such as but not limited to, the unnecessary depiction of:

- a. violent individual or group oppression, or repression of the physically and socially weak;
- b. brutality;
- c. carnage, genocide and similar acts;
- d. sado-masochism;