

[**MTRCB, May 11, 1999**]

RULES OF PROCEDURE

Pursuant to Section 3(a) and 3(j) of Presidential Decree No. 1986 and Sections 39 and 40 of the 1998 Implementing Rules and Regulations, the following Rules governing the conduct of hearings for violations of said Decree and Implementing Rules and Regulations before the Movie and Television Review and Classification 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 1. Coverage — These rules shall govern hearings on any administrative complaint filed with the Board for violation of P.D. No. 1986 and its implementing Rules and Regulations.

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. 1986 and its Implementing Rules and Regulations.

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
Definition of Terms

SECTION 1. Terms defined — For purposes of these rules, the following terms shall mean:

1. *Board* — The Movie and Television Review and Classification Board, or the Chairman of the Board, or the Hearing and Adjudication Committee, acting for and in behalf of the Board.
2. *Chairman* — The Chairman of the Board, or in the Chairman's absence or incapacity, the Vice Chairman, or in the

Vice-Chairman's absence or incapacity, any Member of the Board designated to act for an in behalf of the Chairman.

3. *Committee* — The Hearing and Adjudication Committee as designated by the Chairman.

4. *Complaint* — A concise statement of the facts constituting the proponent's cause or causes of action, specifying the party or parties charged and the violations allegedly committed, and stating the name and residence of the complainant.

5. *Answer* — The pleading in which the defendant or other adverse party or parties sets forth the affirmative and negative defenses upon which he relies.

6. *Submission* — The filing of pleadings, appearances, motions, notices, orders, or other papers with the Board as required, when such filing has been duly received by the Board's Legal Officer and the corresponding fees, if any, duly paid to and acknowledged by the Board.

RULE V

Parties

SECTION 1. Parties — Any person, natural or juridical, who has cause to complain about any violation of P.D. No. 1986 or its Implementing Rules and Regulations, 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 respective 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, unless he has expressly waived, under oath, his right to counsel.

RULE VI

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 writing, verified, and signed by the complainant, and may be accompanied by supporting affidavit/s. No other pleading from the complainant subsequent thereto shall be accepted by the Board without proof of answer from the respondent, also in writing, and may also be accompanied by supporting affidavits, with a copy furnished to the complainant.

SECTION 3. Pleadings allowed — The Board shall only entertain a complaint and an answer and such other pleadings as the Board may

required. 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, and dilatory motions for postponement shall not be allowed.

RULE VII

Summary Procedure

SECTION 1. Dismissal — The Board shall, motu proprio, or at its own instance, 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 complainant'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. Initial Hearing — Any administrative complaint for violation of Presidential Decree No. 1986 or its Implementing Rules and Regulations shall initially be heard by the Chairman. Should the Chairman 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, the Chairman shall proceed to render a decision.

SECTION 4. Hearing and Adjudication Committee — In case the respondent or alleged offender does not admit guilt, the Chairman shall refer the case to a Hearing and Adjudication Committee. Should the Hearing and Adjudication Committee 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, the Committee may proceed to render a decision. In cases where the Committee 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 VIII.

SECTION 5. 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.

SECTION 6. Conciliation or compromise agreement — At the initial hearing of the case, or even thereafter, the parties may enter into reconciliation or compromise settlement of violations administrative in character, subject to the approval of the Board.

SECTION 7. Failure to appear and affirm affidavit — Should the person who executed the affidavit fail to appear and affirm his affidavit when required by the Board, his affidavit shall not be considered as competent evidence.