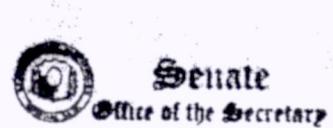


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



SENATE

'19 JUL 24 A11:26

S.B. No. 719

RECEIVED BY: J

Introduced by SEN. WIN GATCHALIAN

AN ACT

**EXPANDING THE POWERS AND FUNCTIONS OF THE MOVIE AND
TELEVISION REVIEW AND CLASSIFICATION BOARD TO PROVIDE
FOR THE REGULATION OF VIDEO GAMES AND OUTDOOR MEDIA,
AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1986**

EXPLANATORY NOTE

The Movie and Television Review and Classification Board (MTRCB), established by Presidential Decree No. 1986 in 1985, serves an important role in safeguarding our children from violent, obscene, and otherwise harmful material that may endanger their safety and wellbeing. The ratings published by the MTRCB educate parents about the subject matter discussed and portrayed in these media, empowering them to make informed decisions about the kind of media to which they wish to expose their children. This is certainly a worthy undertaking that has been duly accomplished by the MTRCB for almost 30 years now.

However, the mandate of this Board, delineated well before the proliferation of affordable and accessible computer technology, does not cover another potent type of visual media - video games. Since the late 1990s many countries have expanded the functions and powers of their respective movie

and television regulatory bodies to include the review and classification of video games, owing to the increasingly dominant position of video games in visual entertainment worldwide. These regulatory bodies have also focused on ensuring that video games with mature themes do not fall into the hands of those too young to properly process the graphic and violent scenes they are controlling on the screen.

According to the 2009 Nielsen Global Online Consumer Survey, Filipinos are the top consumers of video games in the entire world. In order to ensure the safety and wellbeing of our children, working hand-in-hand with the responsible and nurturing parents and guardians of our great Nation, it is paramount that we upgrade the bureaucracy in the face of new technologies and changing times. Thus, this legislation aims to reorganize the MTRCB into a more versatile body up-to-date with the needs of contemporary Philippine society.

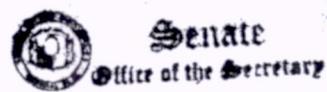
In addition to video games, this legislation also gives MTRCB regulatory powers over the content of outdoor media. Realistically, it is virtually impossible to restrict access of minors to outdoor media since by definition they are prominently displayed in public spaces. Thus, in order to further protect the safety and well-being of our children we must take steps to ensure that obscene outdoor media will be prohibited as necessary. Since the functions of MTRCB already include the review of certain publicity materials, it is logical to delegate the review of outdoor media to this body as well.

Support for the passage and approval of this legislation is earnestly sought.



SHERWIN T. GATCHALIAN

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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. ***Short Title.*** - This Act shall be known as the "Video Game
2 and Outdoor Media Regulation Act".

3 SEC. 2. ***Paragraphs 1 and 2 of Section 2 regarding Composition,
4 Qualifications, and Benefits are hereby amended to read as follows:***

5 The Board shall be composed of a Chairman, a Vice-Chairman
6 and [thirty (30) members] THIRTY-FIVE (35) MEMBERS, who
7 shall all be appointed by the President of the Philippines. The
8 Chairman, the Vice-Chairman, and the members of the Board,
9 shall hold office for a term of one (1) year, unless sooner
10 removed by the President for any cause; Provided, That they
11 shall be eligible for re-appointment after the expiration of their
12 term. If the Chairman, or the Vice-Chairman or any member of

1 *the Board fails to complete his term, any person appointed to*
2 *fill the vacancy shall serve only for the unexpired portion of the*
3 *term of the Board member whom he succeeds.*

4 *No person shall be appointed to the Board, unless he is a*
5 *natural-born citizen of the Philippines, not less than twenty-one*
6 *(21) years of age, and of good moral character and standing in the*
7 *community; Provided, That in the selection of the members*
8 *of the Board due consideration shall be given to such*
9 *qualifications as would produce a multi-sectoral combination of*
10 *expertise in the various areas of motion picture, VIDEO*
11 *GAMES, OUTDOOR MEDIA, and television; Provided, further,*
12 *That at least five (5) members of the BOARD shall be members*
13 *of the Philippine Bar; Provided, {finally} FURTHER, That at*
14 *least fifteen (15) members of the Board may come from the*
15 *movie and television industry to be nominated by legitimate*
16 *associations representing the various sectors of said industry,*
17 *PROVIDED, FINALLY, THAT AT LEAST FIVE (5) MEMBERS*
18 *OF THE BOARD MAY COME FROM VIDEO GAME AND*
19 *OUTDOOR MEDIA INDUSTRIES TO BE NOMINATED BY*
20 *LEGITIMATE ASSOCIATIONS REPRESENTING THE VARIOUS*
21 *SECTORS OF SAID INDUSTRY.*

22 **SEC. 3. *Section 3 regarding Powers and Functions is hereby***
23 ***amended to read as follows:***

- 24 a)XXX
25 b) *To screen, review and examine all motion pictures, VIDEO*
26 *GAMES, AND OUTDOOR MEDIA as herein defined, television*
27 *programs, including publicity materials such as*
28 *advertisements, trailers and stills, whether such motion*
29 *pictures and publicity materials be for theatrical or non-*
30 *theatrical distribution, for television broadcast or for general*
31 *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, distribution, sale, lease, exhibition and/ or television broadcast of the motion pictures, VIDEO GAMES, television programs, OUTDOOR MEDIA, 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 wrong or crime, such as but not limited to:

ii) xxx

iv) xxx

v) xxx

vi) xxx

vii) xxx

Provided, however, xxx

To supervise, regulate, and grant, deny or cancel, permits for the importation, exportation, production, copying, distribution, sale, lease, exhibition, and/ or television broadcast of all motion pictures, VIDEO GAMES, television programs, OUTDOOR MEDIA and publicity materials, to the end that no such pictures, programs and materials as are determined by the Board to be objectionable in accordance with paragraph (c) hereof shall be imported, exported, produced, copied, reproduced, distributed, sold, leased, exhibited and/ or broadcast by television;

To supervise, regulate, and grant, deny or cancel, permits for the importation, exportation, production, copying, distribution, sale, lease, exhibition, and/or television broadcast of all motion pictures, VIDEO

1 *GAMES, television programs, OUTDOOR MEDIA and publicity materials*
2 *as are determined by the Board to be objectionable in accordance with*
3 *paragraph (c) hereof shall be importer, exported, produced, copied,*
4 *reproduced, distributed, sold, leased, exhibited and/or broadcast by*
5 *television;*

6 *d) To classify motion pictures, VIDEO GAMES, television*
7 *programs and similar shows into categories such as "G" or*
8 *"For General Patronage" (all ages admitted), "P" or "Parental*
9 *Guidance Suggested", "R~ or "Resin ted" (for adults only), "X"*
10 *or "Not for Public Viewing", or such other categories as the*
11 *BOARD may determine for the public interest;*

12 *e) To close movie houses and other similar establishments*
13 *engaged in the public exhibition of motion pictures and*
14 *television programs, OR THE SALE AND/OR DISTRIBUTION*
15 *OF VIDEO GAMES, which violate the provisions of this Act*
16 *and the rules and regulations promulgated by the Board*
17 *pursuant hereto;*

18 *f)xxx*

19 *g) To deputize representatives from the government and from*
20 *the various associations in the movie, VIDEO GAME, AND*
21 *OUTDOOR MEDIA [industry] INDUSTRIES, whose main*
22 *duties shall be to help ensure compliance with all laws*
23 *relative to the importation, exportation, copying, distribution, sale,*
24 *lease, exhibition and/ or television broadcast of motion*
25 *pictures, television programs, advertisements and publicity*
26 *materials. For this purpose, the Board may constitute such*
27 *Regulatory Council or Councils composed of representatives*
28 *from the government and the movie and television industry as*
29 *may be appropriate to implement the purposes and objectives*
30 *of this Act. The Board may also call on any law enforcement*
31 *agency for assistance in the implementation and enforcement*
32 *of its decisions, orders or awards;*

1 h) To cause the prosecution, on behalf of the People of the
2 Philippines, of violators of this Act, of anti-trust, obscenity,
3 censorship and other laws pertinent to the movie, VIDEO
4 GAME, OUTDOOR MEDIA and television [industry]
5 INDUSTRIES;

6 i)XXX

7 j)XXX

8 SEC. 4. **Section 4 regarding Decision is amended by inserting the**
9 **following paragraph:**

10 THE PROCEDURES USED BY THE BOARD TO IMPLEMENT
11 ITS REVIEW FUNCTIONS AND MAKE DECISIONS
12 CONCERNING THE APPROVAL OR DISAPPROVAL OF A
13 MOTION PICTURE OR TELEVISION, INCLUDING APPELLATE
14 PROCEDURES, SHALL ALSO BE USED FOR THE REVIEW
15 OF VIDEO GAMES AND OUTDOOR MEDIA AS APPLICABLE
16 UNDER THIS ACT.

17 SEC. 5. **Section 6 regarding Examination and Review is amended**
18 **by inserting the following paragraph:**

19 THE PROCEDURES USED BY THE BOARD TO IMPLEMENT
20 ITS REVIEW FUNCTIONS AND MAKE DECISIONS
21 CONCERNING THE APPROVAL OR DISAPPROVAL OF A
22 MOTION PICTURE OR TELEVISION, INCLUDING APPELLATE
23 PROCEDURES, SHALL ALSO BE USED FOR THE REVIEW
24 OF VIDEO GAMES AND OUTDOOR MEDIA AS APPLICABLE
25 UNDER THIS ACT.

26 SEC. 6. **Section 7 is amended to read as follows:**

27 Sec. 7. Unauthorized showing, SALE, DISTRIBUTION, or exhibition. –

28 XXX

29 IT SHALL ALSO BE UNLAWFUL TO SELL OR DISTRIBUTE TO A MINOR
30 UNDER EIGHTEEN (18) YEARS OF AGE ANY VIDEO GAME THAT HAS
31 BEEN RATED "ADULTS ONLY" BY THE BOARD. LIKEWISE, IT SHALL BE

1 UNLAWFUL FOR A MINOR UNDER EIGHTEEN (18) YEARS OF AGE TO
2 BUY OR RECEIVE ANY VIDEO GAME THUS RATED.

3 NOTWITHSTANDING THE PROVISIONS OF OTHER
4 APPLICABLE LAWS, A MINOR THAT MAKES USE OF ANY
5 FALSE EVIDENCE ABOUT HIS OR HER AGE TO OBTAIN A
6 COPY OF THE VIDEO GAME SHALL BE PUNISHED
7 PURSUANT TO THE PROVISIONS ON PENALTIES
8 STIPULATED BY SECTION 11 OF THIS ACT.

9 SEC. 7. ***Section 8 regarding Posting or Display of Certificate or***
10 ***Label is amended by inserting the following paragraph:***

11 THE PACKAGING OF ANY VIDEO GAME AND ANY PRINTED OR
12 DIGITAL PUBLICITY MATERIAL, WHETHER LOCALLY-PRODUCED OR
13 IMPORTED, THAT IS SOLD AND/OR DISTRIBUTED IN THE
14 PHILIPPINES MUST DISPLAY ITS RATING AS ASSIGNED BY THE
15 BOARD IN AN EASILY-VIEWABLE, LEGIBLE MANNER ON THE FRONT
16 SIDE IN THE STYLE AND MANNER PRESCRIBED BY THE BOARD.
17 DIGITAL COPIES OF GAMES MUST DISPLAY THE
18 RATING LABEL ON THE MENU SCREEN.

19 SEC. 8. ***Section 10 regarding Definition of Terms is amended by***
20 ***inserting the following numbers:***

21 1. xxx

22 2. xxx

23 3. xxx

24 4. xxx

25 5. xxx

26 6. xxx

27 7. xxx

28 8. VIDEO GAME - A GAME PLAYED BY ELECTRONICALLY
29 MANIPULATING IMAGES PRODUCED BY A COMPUTER
30 PROGRAM ON A TELEVISION SCREEN OR OTHER
31 ELECTRONIC DISPLAY SCREEN.

32 9. RATING LABEL - A MARKER THAT USES WORDS,

1 COLORS, AND/OR OTHER VISUAL STYLE ELEMENTS TO
2 CLEARLY COMMUNICATE THE RATING OF THE GAME AS
3 CLASSIFIED BY THE BOARD.

4 10. DIGITAL COPY OF GAME - A VERSION OF THE GAME
5 THAT USES TECHNOLOGY, SUCH AS ONLINE
6 DOWNLOADING, THAT DOES NOT REQUIRE A DISC OR
7 ANY OTHER HARD DEVICE FOR SALE AND/OR
8 DISTRIBUTION.

9 11. VIDEO GAME DISTRIBUTION - ANY COMMERCIAL
10 ACTIVITY THAT MAKES A VIDEO GAME AVAILABLE TO
11 THE GENERAL PUBLIC, INCLUDING MAKING A VIDEO
12 GAME AVAILABLE FOR FREE DOWNLOAD ONLINE.

13 12. OUTDOOR MEDIA - REFERS TO ALL EXISTING AND
14 PROPOSED ADVERTISING SIGNS, BILLBOARDS, DISPLAY
15 SIGNS, ELECTRICAL SIGNS, LIGHT EMITTING DIODE (LED)
16 SIGNS AND BILLBOARDS, GROUND SIGNS, ROOF SIGNS,
17 AND SIGN STRUCTURES ALONG MAJOR THOROUGHFARES, PUBLIC
18 ROADS, SECONDARY ROADS, AVENUES, STREETS, ROADS, PARKS
19 AND OPEN SPACES WITHIN METRO MANILA AND OTHER CITIES AND
20 MUNICIPALITIES.

21 SEC. 9. ***Section 12 is amended to read as follows:***

22 *Sec. 12. Banning of Motion Pictures, VIDEO GAMES,
23 OUTDOOR MEDIA, and Television Programs. -*
24 XXX

25 THE PROCEDURE FOLLOWED CONCERNING THE BANNING OF
26 MOTION PICTURES AND TELEVISION PROGRAMS SHALL ALSO APPLY
27 TO CASES IN WHICH VIDEO GAMES OR OUTDOOR MEDIA ARE
28 DEEMED BY THE BOARD, AFTER EXAMINATION AND REVIEW, TO BE
29 UNFIT FOR CONSUMPTION IN THE PHILIPPINES.

30 SEC. 10. ***Implementing Rules and Regulations.*** - Within (60) days
31 from the effectivity of this Act, the Board shall promulgate the implementing
32 rules and regulations as may be necessary to ensure the efficient and effective
33 implementation of this Act.

34 SEC. 11. ***Separability Clause.*** - Should any part of this Act be declared
35 unconstitutional, the rest of the provisions of this Act shall continue to be in
36 effect and subsisting.

37 SEC. 12. ***Amendatory Clause.*** - The pertinent provisions of P.D. No.

1 1986, in so far as they are inconsistent herewith, are hereby expressly
2 amended or modified accordingly.

3 SEC. 13. ***Repealing Clause.*** - The provisions of other laws, decrees,
4 executive orders, rules and regulations inconsistent with this Act are hereby
5 repealed, amended, or modified accordingly.

6 SEC. 14. ***Effectivity Clause.*** - This Act shall take effect fifteen (15) days
7 after its publication in the *Official Gazette* and/or in at least two (2) national
8 newspapers in general circulation.

Approved,