

SEVENTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]



Secretary
Office of the Secretary

16 AUG -8 P1:36

BY: 

SENATE

S.B. No. 990

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.

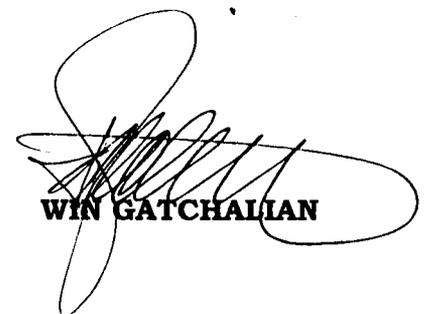
However, the mandate of this Board, delineated well before the proliferation of affordable and accessible computer technology, does not cover another potent type of visual media - video games. Since the late 1990s many countries have expanded the functions and powers of their respective movie and television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



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

1 fill the vacancy shall serve only for the unexpired portion of the
2 term of the Board member whom he succeeds.

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

21
22 **SEC. 3. Section 3 regarding Powers and Functions is hereby**
23 **amended to read as follows:**
24

25 a)xxx

26
27 b) To screen, review and examine all motion pictures, VIDEO
28 GAMES, AND OUTDOOR MEDIA as herein defined, television,
29 programs, including publicity materials such as
30 advertisements, trailers and stills, whether such motion
31 pictures and publicity materials be for theatrical or non-
32 theatrical distribution, for television broadcast or for general
33 viewing, imported or produced in the Philippines, and in the
34 latter case, whether they be for local viewing or for export;

1
2 c) To approve or disapprove, delete objectionable portions from
3 and/ or prohibit the importation, exportation, production,
4 copying, distribution, sale, lease, exhibition and/ or television
5 broadcast of the motion pictures, VIDEO GAMES, television
6 programs, OUTDOOR MEDIA, and publicity materials subject
7 of the preceding paragraph, which, in the judgment of the
8 board applying contemporary Filipino cultural values as
9 standard, are objectionable for being immoral, indecent,
10 contrary to law and/ or good customs, injurious to the prestige
11 of the Republic of the Philippines or its people, or with a
12 dangerous tendency to encourage the commission of violence
13 or of wrong or crime, such as but not limited to:
14

15 ii) xxx

16
17 iv) xxx

18
19 v) xxx

20
21 vi) xxx

22
23 vii) xxx

24
25 Provided, however, xxx

26
27 To supervise, regulate, and grant, deny or cancel, permits for
28 the importation, exportation, production, copying, distribution,
29 sale, lease, exhibition, and/ or television broadcast of all
30 motion pictures, VIDEO GAMES, television programs,
31 OUTDOOR MEDIA and publicity materials, to the end that no
32 such pictures, programs and materials as are determined by
33 the Board to be objectionable in accordance with paragraph (c)
34 hereof shall be imported, exported, produced, copied,
35 reproduced, distributed, sold, leased, exhibited and/ or

1 broadcast by television;

2 To supervise, regulate, and grant, deny or cancel, permits for the
3 importation, exportation, production, copying, distribution, sale, lease,
4 exhibition, and/or television broadcast of all motion pictures, VIDEO
5 GAMES, television programs, OUTDOOR MEDIA and publicity materials
6 as are determined by the Board to be objectionable in accordance with
7 paragraph (c) hereof shall be importer, exported, produced, copied,
8 reproduced, distributed, sold, leased, exhibited and/or broadcast by,
9 television;

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

17
18 e)To close movie houses and other similar establishments
19 engaged in the public exhibition of motion pictures and
20 television programs, OR THE SALE AND/OR DISTRIBUTION
21 OF VIDEO GAMES, which violate the provisions of this Act
22 and the rules and regulations promulgated by the Board
23 pursuant hereto;

24
25 f)xxx
26
27

28 g)To deputize representatives from the government and from
29 the various associations in the movie, VIDEO GAME, AND
30 OUTDOOR MEDIA [industry] INDUSTRIES, whose main
31 duties shall be to help ensure compliance with all laws
32 relative to the importation, exportation, copying, distribution, sale, lease,
33 exhibition and/ or television broadcast of motion
34 pictures, television programs, advertisements and publicity
35 materials. For this purpose, the Board may constitute such
36 Regulatory Council or Councils composed of representatives

1 from the government and the movie and television industry as
2 may be appropriate to implement the purposes and objectives
3 of this Act. The Board may also call on any law enforcement
4 agency for assistance in the implementation and enforcement
5 of its decisions, orders or awards;

6
7 h)To cause the prosecution, on behalf of the People of the
8 Philippines, of violators of this Act, of anti-trust, obscenity,
9 censorship and other laws pertinent to the movie, VIDEO
10 GAME, OUTDOOR MEDIA and television [industry]
11 INDUSTRIES;

12
13 i)xxx

14
15 j)xxx
16

17 SEC. 4. **Section 4 regarding Decision is amended by inserting the**
18 **following paragraph:**
19

20 THE PROCEDURES USED BY THE BOARD TO IMPLEMENT
21 ITS REVIEW FUNCTIONS AND MAKE DECISIONS
22 CONCERNING THE APPROVAL OR DISAPPROVAL OF A
23 MOTION PICTURE OR TELEVISION, INCLUDING APPELLATE
24 PROCEDURES, SHALL ALSO BE USED FOR THE REVIEW,
25 OF VIDEO GAMES AND OUTDOOR MEDIA AS APPLICABLE
26 UNDER THIS ACT.
27

28 SEC. 5. **Section 6 regarding Examination and Review is amended**
29 **by inserting the following paragraph:**
30

31 THE PROCEDURES USED BY THE BOARD TO IMPLEMENT
32 ITS REVIEW FUNCTIONS AND MAKE DECISIONS
33 CONCERNING THE APPROVAL OR DISAPPROVAL OF A
34 MOTION PICTURE OR TELEVISION, INCLUDING APPELLATE

1 PROCEDURES, SHALL ALSO BE USED FOR THE REVIEW
2 OF VIDEO GAMES AND OUTDOOR MEDIA AS APPLICABLE
3 UNDER THIS ACT.
4

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

6 *Sec. 7. Unauthorized showing, SALE, DISTRIBUTION, or exhibition. –*

7 *xxx*

8 IT SHALL ALSO BE UNLAWFUL TO SELL OR DISTRIBUTE TO A MINOR
9 UNDER EIGHTEEN (18) YEARS OF AGE ANY VIDEO GAME THAT HAS
10 BEEN RATED "ADULTS ONLY" BY THE BOARD. LIKEWISE, IT SHALL
11 BE UNLAWFUL FOR A MINOR UNDER EIGHTEEN (18) YEARS OF AGE
12 TO BUY OR RECEIVE ANY VIDEO GAME THUS RATED.

13 NOTWITHSTANDING THE PROVISIONS OF OTHER
14 APPLICABLE LAWS, A MINOR THAT MAKES USE OF ANY
15 FALSE EVIDENCE ABOUT HIS OR HER AGE TO OBTAIN A
16 COPY OF THE VIDEO GAME SHALL BE PUNISHED
17 PURSUANT TO THE PROVISIONS ON PENALTIES
18 STIPULATED BY SECTION 11 OF THIS ACT.
19

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

22 THE PACKAGING OF ANY VIDEO GAME AND ANY PRINTED OR
23 DIGITAL PUBLICITY MATERIAL, WHETHER LOCALLY-
24 PRODUCED OR IMPORTED, THAT IS SOLD AND/OR DISTRIBUTED
25 IN THE PHILIPPINES MUST DISPLAY ITS RATING AS ASSIGNED
26 BY THE BOARD IN AN EASILY-VIEWABLE, LEGIBLE MANNER ON
27 THE FRONT SIDE IN THE STYLE AND MANNER PRESCRIBED BY
28 THE BOARD. DIGITAL COPIES OF GAMES MUST DISPLAY THE
29 RATING LABEL ON THE MENU SCREEN.

30 **SEC. 8. Section 10 regarding Definition of Terms is amended by**
31 **inserting the following numbers:**
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- 1.xxx
- 2.xxx
- 3.xxx
- 4.xxx
- 5.xxx
- 6.xxx
- 7.xxx

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

9.RATING LABEL - A MARKER THAT USES WORDS, COLORS, AND/OR OTHER VISUAL STYLE ELEMENTS TO CLEARLY COMMUNICATE THE RATING OF THE GAME AS CLASSIFIED BY THE BOARD.

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

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

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

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

1 *Sec. 12. Banning of Motion Pictures, VIDEO GAMES,*
2 *OUTDOOR MEDIA, and Television Programs. -*
3

4 xxx

5 THE PROCEDURE FOLLOWED CONCERNING THE BANNING OF
6 MOTION PICTURES AND TELEVISION PROGRAMS SHALL ALSO
7 APPLY TO CASES IN WHICH VIDEO GAMES OR OUTDOOR MEDIA
8 ARE DEEMED BY THE BOARD, AFTER EXAMINATION AND REVIEW,
9 TO BE UNFIT FOR CONSUMPTION IN THE PHILIPPINES.
10

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

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

18 **SEC. 12. *Amendatory Clause.*** - The pertinent provisions of P.D. No.
19 1986, in so far as they are inconsistent herewith, are hereby expressly
20 amended or modified accordingly.

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

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

Approved,