

MEMORANDUM CIRCULAR NO. 04-2014

To : ALL MOTION PICTURE PRODUCERS AND DISTRIBUTORS
ALL THEATER OWNERS, OPERATORS AND MANAGERS
ALL TELEVISION NETWORKS AND BLOCKTIMERS

From : MTRCB CHAIRPERSON

Subject : **REVISED RULES FOR CLASSIFICATION OF PUBLICITY
MATERIALS FOR MOVIES AND TELEVISION PROGRAMS**

Date : 19 March 2014

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WHEREAS, the welfare of the children and the State's mandate to protect and care for them, as *parens patriae*, constitute a substantial and compelling government interest in regulating content of any film and its trailers or promotional materials;

WHEREAS, there is a need to revisit the rules on the review and classification of movie trailers, to respond to the call for reforms in the movie industry, brought about by emerging trends and development in filmmaking and related promotional and marketing activities;

WHEREAS, the rules on classification of movie trailers must always inspire public trust in the film classification system, and to encourage movie producers and distributors to responsibly market their movies to their intended audiences;

NOW, therefore, pursuant to Section 3(a) of Presidential Decree No. 1986, the Movie and Television Review and Classification Board ("BOARD") hereby promulgates the following rules and guidelines for the proper review and classification of movie trailers, to ensure their suitability for their intended audience:

ARTICLE I
SCOPE OF APPLICATION

Section 1. Coverage. These Rules shall cover all publicity materials for movies and television programs. For purposes of these Rules, "publicity materials" shall refer to any material intended to generate public interest in, and promote the exhibition of, any motion picture or television program, including but not limited to movie and television program trailers, whether for theatrical or television exhibition or both, print advertisements, still photos, photo frames, leaflets, press kits, outdoor or vehicle displays, posters and billboards, audio-visual and/or interactive boards, and other similar media.

Section 2. All publicity materials for movies and television programs must comply with the rules herein prescribed; otherwise, they shall not be approved for public exhibition.

ARTICLE II GUIDING PRINCIPLES

Section 1. Standard for Review and Classification. The Board shall, on a case-to-case basis, determine the audience suitability of any publicity material taking into account the classifications under Section 2, Article III hereunder. This determination shall consider various factors including without limitation, the content thereof and the overall impact of any such material upon the intended audience, with due regard for its educational, literary, artistic merit and other redeeming social values.

Section 2. Content Limitations. In no case shall a movie trailer contain any information or material, which could reasonably create confusion about the rating of the main feature film.

ARTICLE III REVIEW AND CLASSIFICATION OF MOVIE TRAILERS

Section 1. Submission of Movie Trailers for Theatrical and Television Exhibition. Any and all trailers of motion pictures must be submitted to the Board for review and classification. The producers or distributors of such motion pictures shall be primarily responsible for ensuring that such trailers comply with these rules and such other conditions, as may be required by the Review Committee, including, but without limitation, any warnings and/or explanations for the protection and welfare of content-vulnerable sectors such as woman, children, persons with disability, and the like, or those which address sensitivities with respect to race, creed, political belief, and such other similar factors.

Only such versions of trailers duly approved and passed by the Board shall be fit for public exhibition. Any change or revision thereto shall constitute a whole new version thereof which must be submitted anew to the Board for approval.

Subject to existing rules, a trailer that is disapproved may be edited and resubmitted to the Board for approval.

Section 2. Classification of Movie Trailers for Theatrical Exhibition. All movie trailers shall be classified as GENERAL AUDIENCE (“G”) or PARENTAL GUIDANCE (“PG”) or NOT FOR PUBLIC EXHIBITION (“X”). In classifying movie trailers, the Board shall consider the treatment of the following factors: theme, violence, language, nudity, sex, horror, and drugs, without prejudice to such other factors or elements that it may deem appropriate to consider.

Section 3. Theatrical Exhibition of Trailers. Trailers approved for theatrical exhibition must include the Trailer Pictogram, which must be displayed for three (3) seconds prior to the showing of the trailer.

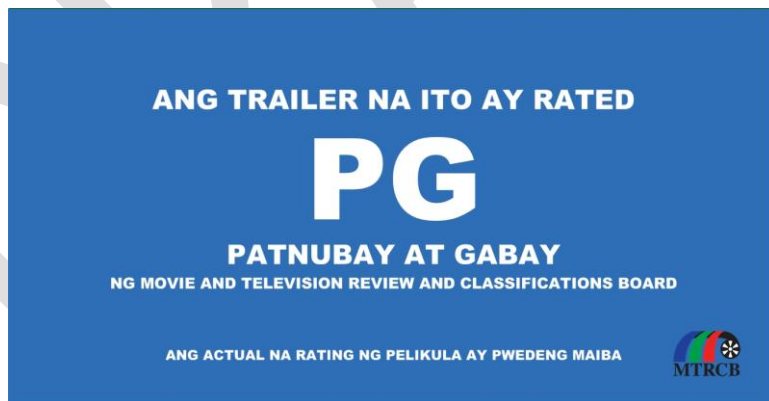
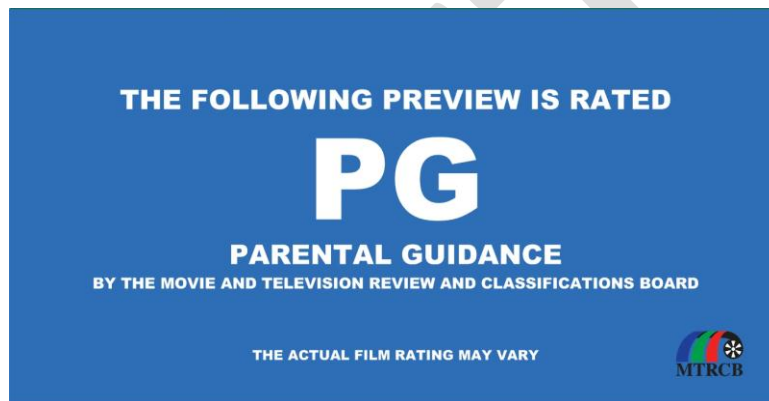
The Trailer Pictogram shall indicate that the trailer was rated “G” or “PG,” under which the corresponding color-coded prescribed Pictogram Advisory shall be shown with the words indicating that the classification of the movie may differ from the classification of its trailer. The prescribed Trailer Pictogram shall be as follows:

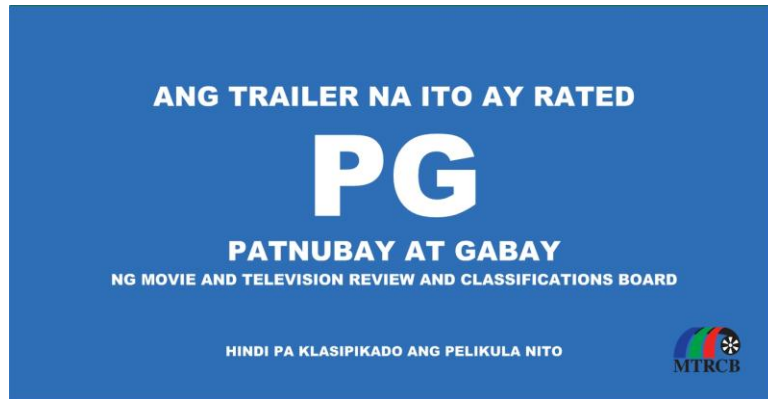
A. GENERAL AUDIENCE (“G”)





B. PARENTAL GUIDANCE (“PG”)





Movie trailers with a “G” rating may be shown prior to any film, regardless of its rating.

Movie trailers with a “PG” rating may only be shown prior to movies that have been classified as “PG,” “R-13,” “R-16,” and “R-18.”

Movie trailers with a “PG” rating shall never be shown prior to a film with a “G” rating.

Section 4. Trailers for Exhibition on Television. All movie trailers promoting the theatrical release of a motion picture must have a “G” rating to be shown on television.

ARTICLE IV CLASSIFICATION OF PUBLICITY MATERIALS FOR EXHIBITION ON TELEVISION

Section 1. Required Rating for Television. Any and all publicity materials to be shown on television must have a “G” rating. Such publicity materials shall include without limitation, movie trailers, television program trailers and plugs, banner and pop-up ads, crawlers and other similar forms of publicity and promotional activities on television.

ARTICLE V CLASSIFICATION OF PRINT AND OTHER COLLATERAL MATERIALS

Section 1. All print and other collateral materials for films and television programs (which shall include outdoor and vehicle displays, billboards, posters, flyers, newspaper and magazine ads and similar media) shall be made strictly suitable for a GENERAL AUDIENCE (“G”) classification.

All print publicity materials that have been reviewed and classified by the Board must contain the appropriate rating symbol, full rating definition and the MTRCB seal of approval (“Prescribed Pictogram Advisory”).

Section 2. All publicity materials for films, other than printed materials, displayed near the cinema areas, including but not limited to, audio-visual and/or interactive billboards, regardless of size and location, must likewise be made strictly and rated, as being suitable for a GENERAL AUDIENCE (“G”) classification. Print publicity materials that do not fall within the “G” classification shall not be approved for publication.

ARTICLE VI ADMINISTRATIVE SANCTIONS

Section 1. If the Board, after appropriate proceedings, determines that any provision of this Memorandum Circular has been violated, the Board may impose the appropriate sanctions, commensurate to the violation, upon the responsible party.

Without prejudice to other measures and directives that may be required by the Board in the resolution of the case, the following penalties shall be imposed for violation of these rules, to wit:

- a. 1st Offense: A fine of Twenty Thousand Pesos (Php 20,000.00)
- b. 2nd Offense: A fine of Fifty Thousand Pesos (Php 50,000.00)
- c. 3rd Offense: A fine of One Hundred Thousand Pesos (Php 100,000.00)
- d. 4th Offense: A fine of Two Hundred Thousand Pesos (Php 200,000.00)

Section 2. In case of successive violations by two (2) or more movie houses belonging to the same theater owner/operator in an area for the same day, violations committed will be counted or tabulated per theater owner/operator and not per cinema. Nevertheless, a fine of Two Hundred Thousand Pesos (Php 200, 000.00) plus one (1) week closure shall be imposed on the theater owner/operator, in case a 4th offense is committed within one (1) year from the date of commission of the first offense.

ARTICLE VII REPEALING CLAUSE

Section 1. Sections 1 and 5 of the Implementing Rules and Regulations (IRR) of the Board (2004) and any and all previous circulars, rules, and regulations of the Board that are inconsistent with the provisions of this Circular are hereby repealed, amended and/or modified accordingly insofar as they may be inconsistent with these Reviewed Rules.

ARTICLE VIII SEPARABILITY CLAUSE

Section 1. If any provision of this Circular is declared invalid or unconstitutional, the unaffected sections or provisions thereof shall remain in full force and effect.

ARTICLE IX
EFFECTIVITY

Section 1. This Circular shall take effect after fifteen (15) days following its publication in a newspaper of general circulation and filing with the Office of the National Administrative Register in the University of the Philippines Law Center, as required under the Administrative Code of 1987.

APPROVED, by the Movie and Television Review and Classification Board, in a meeting called for the purpose, on 19 March 2014.

BY AUTHORITY OF THE BOARD:

EUGENIO H. VILLAREAL
Chairperson

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