

CENSORSHIP, HISTORY, AND PHILIPPINE CINEMA: TOWARDS AN UNDERSTANDING OF THE MTRCB

***Luigi Conti**

ABSTRACT

From the ashes of Ferdinand Marcos's regime as Philippine dictator, the Movie and Television Review and Classification Board (MTRCB) was established as the principal figure in charge of "classifying" films into categories for the guidance of the moviegoing public. This paper seeks to trace the historical basis of film censorship in the Philippines and its justifications, to the current configuration of the MTRCB. From the Spanish era to the American colonial period, there have been a number of principal reasons for film censorship within the industry, such as religion, politics, and morality. But exactly thirty years after its establishment in the latter part of the Marcos dictatorship, the MTRCB continues to wield the power to censor films through its "X" rating, as determined by the Board's chairman. There are a number of recent cases where the MTRCB used its "X" rating in order to enforce and maintain the status quo. The present paper, however, does not call for the complete abolition of the MTRCB. In order for Philippine film to flourish and mature as a medium unrestricted by the concerns of religious groups or moral crusaders, the MTRCB must be transformed into a completely self-regulatory body, devoid of its censorship powers and divested of its moral high ground.

The cinema thrives in the realm of ideas. Like any other artistic endeavor, films are primarily a vehicle for discourse that touch upon social, political, and philosophical issues. The concerns of the lesbian, gay, bisexual, and transgender (LGBT) community, for example, is articulated in Aureus Solito's *Ang Pagdadalaga ni Maximo Oliveros (The Blossoming of Maximo Oliveros)*, where a gay teenager falls in love with a policeman, resulting in his estrangement from his family that leads a crooked livelihood. Likewise, the underbelly of Manila's sex industry is brutally revealed in Jose Javier Reyes' *Live Show/Toro* (2000), where

poverty-stricken young men and women perform sexual acts for anyone who has the cash. Left unspoken and unexplored, the issues that these films tackle would have been buried deep within the recesses of the national imagination, deprived of healthy debate and public action. And yet, operating to regulate and control the ideas expressed within the celluloid is the censor, that instrument by which the state preserves the status quo within the medium.

This is true in the Philippines as it is true in any other nation where citizens are constitutionally granted rights of free speech. Tracing the historical landscape of Philippine cinema in relation to censorship, it must be noted that the state has so often used its censorship powers to regulate the free flow of ideas, taking into consideration not just the concept of morality, but also that of religion and politics. Although the reformation of the censorship board in the latter part of Marcos's rule has admittedly liberalized – and deformed – censorship, it is readily apparent that the state still has a potent weapon of suppression in the Movie and Television Review and Classification Board (MTRCB). Arising out of the ashes of the Marcos dictatorship, the MTRCB still retains its powers to censor films according to the discretion of its chairman. The result is the MTRCB's construction as a purveyor of morals and a guardian of ethics, dictating what is right and what is wrong not only within Philippine cinema, but also within the configuration of national consciousness. This should not be the case. A potent alternative is to reformulate the MTRCB as an instrument of the Philippine film industry, as a self-regulating body deprived of its power to effectively ban films from public viewing within the country, but empowered by its mandate to enhance the flow of freedom of speech and of expression. Only then will Philippine cinema once again mature into a critical platform for social discourse, essential to the flourishing of the national imagination.

A Brief History of Philippine Film Censorship

To examine the current state of censorship in Philippine cinema, it is essential first to provide a brief historical overview of the phenomenon. To be sure, the intrusion of the state in the supposedly private actions is not a new occurrence. Since the early colonial times, manifestations of censorship have already existed in one form or another. Spanish policy during the colonial era was based on intellectual restriction and the suppression of ideas (De Vega 10). In art and public performances, the parish priest acted as censor of the various local productions,

solidifying the marriage of church and state (Fernandez 1). Spain sold the entire Philippines to the United States in December 10, 1898 for \$20 million, ending the Spanish-American War. The American period, however, was no different from Spanish colonization, with U.S. policy particularly proscribing acts that fostered nationalistic (Filipino) fervor. The Flag Law, or Act No. 1696, in particular, prohibited the display of the Philippine Flag or the singing of the national anthem throughout the country. The very first films arrived in Philippine shores in 1899, and, not surprisingly, there was no immediate reaction from the government, given the perception of the medium as a mere novelty. However, the rise of the filmic medium as a legitimate avenue of cultural expression was inevitable, and it was only a matter of time before the state realized the potential of the cinema as a location of national discourse.

On November 27, 1929, the Philippine Legislature passed Act. No. 3582, “An Act to Create a Board of Censorship for Moving Pictures and Define Its Functions”. The first Board of Censors, with Teodoro M. Kalaw at the helm, was tasked to “examine all films, spoken or silent, imported or produced in the Philippine Islands, and prohibit the introduction and exhibition in this country of films, which in their judgment are immoral or contrary to law and good customs or injurious to the prestige of the Government or people of the Philippine Islands” (Sec.1; Sec. 2(a)). The decisions of the Board could be appealed to the Secretary of the Interior, and thereafter to the Governor General (Gonzales 96). The very first controversy that met the Board was the film *Batang Tulisan*. The film was released in 1937, but was subsequently withdrawn from exhibition by the Board because of a number of reasons, such as the presentation of a priest in a villainous role (surprising, given the context of *Noli Me Tangere*’s Padre Damaso), and the use of a hypodermic injection to commit a murder. Three years later, the Board was once again met with controversy when *Chapayev*, a Russian propaganda film, was banned from public viewing because of its communist ideology.

During the Japanese occupation, film censorship was unexpectedly prevalent. The occupation killed the local film industry, bringing a virtual dead end between the years 1942 and 1945. Only two films were shot on location during this time, *Dawn of Freedom* and *Tatlong Maria* (De Vega 13). *The Opium War*, a propagandistic film that derided the United States and Great Britain, was the only English-language film allowed for import. The Japanese government also imposed its own overseer of distribution and production, Eiga Haykyusha, which eventually allowed reruns of apolitical Hollywood and Tagalog films.

Post-war censorship mainly dealt with concerns over political ideology. The Board of Censors was reorganized into the Board of Review for Moving Pictures in 1961, and its decisions to ban *Luis Taruc: Ang Supremo*, *Ako Raw ay Huk*, and *We Were Strangers* were met with controversy over political censorship. These controversies led to the inadvertent entry of non-censors, such as the military and the police, in the process of film censorship. The clergy, of course, was not to be left out. In March 15, 1955, *Martin Luther* was deemed offensive to Catholics and was ultimately allowed to be screened inside Protestant churches, but not in public theaters. Supreme Court Justice Vicente Mendoza, in discussing the merits of this particular instance, observed:

“What curiously the Board did not foresee was that in [banning the film], they accomplished exactly the thing they claimed to avoid – religious controversy. For as soon as the decision became known publicly, the daily newspapers and weekly magazines were swarmed with indignant letters and press releases which assumed the shape of a truly religious debate. There was no violence, though, such as the overly zealous Board timorously feared.” (Mendoza 693).

During the 1960s, the censorship board shifted its stance from political and religious films, to movies that depicted crime and criminality. *Ang Manananggol ni Ruben*, which had essentially “defended” a rapist on trial during the film’s release, had its permit withdrawn after a four-day tenure at a Manila theater. Voicing its approval of the action, the *Manila Times* in 1963 noted that:

“The decision of the Board of Censors for Motion Pictures to ban movies that capitalize on terror and violence for audience appeal is welcome news. A crackdown on this kind of entertainment has long been overdue...But it is not gangster movies alone that need cleaning up. A general overhaul of the movie industry’s outlook is necessary if the community’s welfare is to be safeguarded (qtd. in De Vega 24)”.

With the deluge of New Hollywood films during this time, however, the censorship board had no choice but to liberalize its right-wing agenda. Films such as *The Graduate* and *Bonnie and Clyde*, products of America’s cultural unrest amidst the political situation in Vietnam, enabled the industry to make a case for the liberalization of the censorship board. It was thus surprising when the board at the time decided to ban a film that told the story of a local politician. Sex, nudity, and the protection of moral righteousness were, after all, more urgent

concerns that should preoccupy the board. However, *Iginuhit ng Tadhana* (Written by Destiny) was banned because of obviously political motives, with the film apparently defending an embattled Ferdinand Marcos accused of murder. The Board's actions, however, rebounded, and the controversy made Marcos look like a victim, while then-President Diosdado Macapagal lost public support. It can even be said that *Iginuhit ng Tadhana* was the catalyst for Marcos's eventual victory in the 1965 presidential elections, which eventually transformed into a 21-year reign.

Philippine cinema underwent a transformation from liberalization to conservatism under Martial Law. During the early period, "bomba" films littered the cinemas throughout the archipelago, prompting Marcos to enjoin the Board to be stricter. In his Letter of Instruction No. 13, he empowered the Board to coordinate with the Department of National Defense in implementing its rulings, effectively enabling the military to meddle with what is supposedly a purely civil affair. LOI 13 also enjoined tighter rules, banning films which tended to incite subversion, glorify criminals, or offend any race or religion. It was during this time that the Board began to require the approval of the shooting script before production itself, constituting one of the strictest moves by the Philippine government to stifle free speech in the cinema. Film critic and scholar Dr. Nicanor Tiongson noted during this time the overwhelming power of the Board:

"The way that the Board has cut up films like *Himala*, *Moral*, and *Batch '81* convinces many Filipino moviegoers that the problem with the Board is one of two things. Either it does not recognize a good film when it sees one, i.e., it does not appreciate the efforts made by films which seek to express insights into man and society in a coherent and effective manner. Or, it sorely lacks imagination, and can only see the trees and not the forest, i.e., they view scenes as isolated from, rather than as parts of, an organic whole" (Tiongson 18).

Under Marcos's dictatorship, the Board of Review for Motion Pictures and Television (BRMPT) was expanded to include within its purview theatrical productions and other live shows. Moreover, the Board, through various executive orders (presidential imperatives that possessed the force of law), was essentially transformed into the dictator's personal censorship wing. For example, Executive Order No. 858 reconstituted the Board and, more importantly, created a screening committee in the Office of the President. EO 858 essentially vested the final

decision to the President of the Philippines. Another Executive Order mandated permits for the importation of all motion pictures and publicity materials. Along with this requirement, EO 876 also deputized representatives from the government and private sectors to assist the Board in its functions, and gave them the ability to prosecute violators of laws pertinent to the movie and/or television industries (Sec. 3). Under Section 2 of said EO, the members of the Board may be removed by the President “for any cause”, essentially depriving them of security of tenure and ensuring that the President instills influence within each and every decision-making process.

Still, artists, directors, and filmmakers were not to be swayed. When the newly-reorganized BRMPT prohibited the screening of Lino Brocka’s *Bayan Ko: Kapit sa Patalim* in 1984, its producers sued. In the landmark case of *Gonzales v. Katigbak* (1985), the Supreme Court ruled that, even though there was not enough votes to conclude that the BRMPT committed grave abuse of its discretion in classifying *Bayan Ko* as “For Adults Only”, the Board was nevertheless limited in its power. “Freedom of expression is the rule”, the Court emphatically declared, “and restrictions is the exemption. The power to exercise prior restraint is not to be presumed; rather the presumption is against its validity” (*Gonzales v. Katigbak*). The Supreme Court in that case relied on previous tests regarding obscenity. The test then was “whether to the average person, applying contemporary standards, the dominant theme of the material taken as a whole appeals to prurient interest”.

Censorship Today

In the latter part of his dictatorship, on October 1985, Ferdinand Marcos issued Presidential Decree No. 1986, which abolished the Board of Review and established the current government agency, the Movie and Television Regulation and Classification Board (MTRCB). In its preamble, the P.D. enumerated the justifications for the creation of the “regulatory” body. These include the situation of the movie and television industry’s economic collapse, the “urgent need to rationalize the movie and television industry vis-à-vis the body regulating and supervising its operations, and the need for a body with the participation of the leaders of the various sectors of the industry, as a prelude to self-regulation and policing by the members themselves *once they have demonstrated their maturity, self-reliance and dependability* (P.D. 1986, emphasis mine). Its charter remains unaltered to this day, save modifications and clarifications in its Implementing Rules and Regulations (IRR), promulgated in 2004.

The first issue to be determined is whether the MTRCB is a censorship body, or one merely a board tasked to “review” and “classify” films that fall within its purview. The certainly appears to lean towards the latter. Under the preamble of P.D. 1986, the statute declares that “a regulatory body must not only function in reviewing and *censoring* films or television programs brought before it but must also initiate the plans and cooperate with the industry to improve, upgrade and make viable the industry as one source of fueling the national economy” (P.D. 1986, emphasis mine).

The scope of the MTRCB’s powers is manifold. Under Chapter III of the Presidential Decree’s Implementing Rules and Regulations:

“All motion pictures, television programs and commercials intended for public exhibition in theaters and television, and related publicity materials and/or promotional materials whether imported or produced in the Philippines, for the purpose of local viewing or for export, shall be subject to review and classification by the [MTRCB] before they are exported, copied, distributed, leased and exhibited” (2004).

Within the current framework of the MTRCB, motion pictures are classified by a committee as General Audience (“G”); Parental Guidance-13 (“PG”); Restricted-13 (“R-13”); Restricted-16 (“R-16”); Restricted-18 (“R-18”); and Not for public exhibition (“X”). These classifications are, according to the IRR, an application of contemporary Filipino cultural values as standard. For a film to fall under any of these classifications, it must meet certain guidelines pertaining to theme, violence, language, nudity, sex, horror, drugs, “without prejudice to other factors or elements that it may deem appropriate to consider”. For example, for a film to meet the “G” classification, the film “should promote positive values”, and cannot contain and depict sexual activity, among other criterion. A film with a “PG” rating should not promote any dangerous, violent, discriminatory, or otherwise offensive behavior or attitude, and should contain redeeming social values.

The repercussions of not complying with the MTRCB’s “recommendations” are also outlined in the law. Under Section 11 of P.D. 1986, any person who violates the provisions of the Decree or of the IRR shall be punished by a penalty of three (3) months and one day to one (1) year imprisonment plus a fine of not less than fifty thousand pesos but not more than one hundred thousand pesos. Under the last chapter of the IRR are enumerated the different repercussions for violations and administrative sanctions pertaining to its provisions. Section 1

thereof states that any violation of P.D. 1986 and its IRR shall be “penalized with suspension or cancellation of permits and/or licenses issued by the [MTRCB] and/or with the imposition of fines and other administrative penalty/penalties” (IRR, Ch.XIII, Sec.1). These measures are “without prejudice to the immediate filing of the appropriate criminal action”. To be sure, these penalties are administrative/civil in nature, but this specific provision should also raise concerns regarding double jeopardy.

The foregoing discussion delves into the MTRCB’s powers in establishing rules and regulations post-facto, but a more dangerous authority lies within the Board’s innocuous duties of classification. This is so because masked underneath the Board’s wholesome mandate is the power of prior restraint – to keep Constitutionally-protected speech outside the realm of public discourse and discussion. Under the current legal landscape, the MTRCB can rate a motion picture or television through its “X” rating, which is specified as “Not for public viewing”. With an “X” rating or without having gone through review by the MTRCB, a particular film cannot be publicly shown. According to the 2004 IRR, a film falls within this “X” rating if:

- a. “The average person, applying contemporary community standards and values, would find that the dominant theme of the work, taken as a whole appeals solely to the prurient interest and satisfies only the craving for gratuitous sex and/or violence.
- b. The film depicts in a patently lewd, offensive, or demeaning manner, excretory functions and sexual conduct such as sexual intercourse, masturbation and exhibition of the genitals.
- c. The film clearly constitutes an attack against any race, creed, or religion.
- d. The film condones or encourages the use of illegal drugs and substances.
- e. The film tends to undermine the faith and confidence of the people in their government and/or duly-constituted authorities.
- f. The film glorifies criminals or condones crimes.
- g. The film is libelous or defamatory to the good name and reputation of any person, whether living or dead.
- h. The film may constitute contempt of court or of a quasi-judicial tribunal, or may pertain to matters which are subjudicial in nature.” (MTRCB IRR, 2004)

The filmmaker, director, producer, and everyone involved in the film, thus, are deprived of their Constitutionally-mandated right to freedom of speech and of expression under Article III, Section 4. As the esteemed Luis V. Teodoro has noted:

“Despite its name, the MTRCB is still a censorship board. While also a classification board, by classifying a movie or television program as “not for public viewing” through its “X” rating, the MTRCB actually has censorship powers, contrary to Article III Section 4 which states that no law may be passed abridging free expression, press freedom and freedom of assembly... The very bottom line is that the MTRCB is a censorship board despite its name, and a remnant of martial law repression”.

Previous cases that deal with MTRCB’s “X” rating include the screening of *The Innocence of Muslims* by UP Law Professor Harry Roque in 2012, as well as the banning of Jose Javier Reyes’s *Live Show* in 2001 (Tiongson 24). More recently, however, the MTRCB again exercised its “X” rating censorship authority. During the administration of Gloria Macapagal-Arroyo, two short films critical of the government were given an “X” rating. Critically-acclaimed director Jeffrey Jeturian’s *Ganito tayo ngayon, Paano na tayo bukas?* and Cannes winner Brillante Mendoza’s *Ayos Ka* were part of short film project AmBisyon when they were slapped the dreaded “X” rating on March 25, 2010. Jeturian’s film follows a newspaper from when it is delivered, until it is unceremoniously used to wipe feces off a street vendor’s foot (the feces evidently smearing the newspaper headline which trumps the Arroyo administration’s economic successes). The MTRCB’s reasoning behind the “X” rating on Jeturian’s film was because it “undermined the faith and confidence of the people in government”. Mendoza’s film, on the other hand, provides a stark contrast between the gleeful melody of its soundtrack, and the extreme poverty within Manila’s urban jungle. The MTRCB in this case claimed that the film was “injurious to the prestige of the Republic of the Philippines and its people” (*ABS-CBN News*).

It is interesting to note here that the current implementation of the MTRCB’s mandate depends mostly on the organization’s leadership. The chairman of the Board is given power and discretion in terms of appointing its members. Such members convene to judge a film at a maximum of two instances, at which point the only recourse for appeal would be the President of the Republic. It is not difficult to see, therefore, that filmmakers would be greatly inclined to

settle controversies while they are still in the committee level, where they would have to appease the members appointed by the chairman.

In the aftermath of the 1986 People Power, the strict moralist Manuel Morato helmed the chair of MTRCB, concerning himself with the “preservation of morality”. The MTRCB during this time banned Martin Scorsese’s *The Last Temptation of Christ* (1988), as well as the locally-produced *Orapronobis*, directed by Lino Brocka and released in 1989. Morato’s successors, Henrietta Mendez and Jess Sison, followed suit and adopted his ultra-conservative platform. However, it was with film producer Armida Siguion-Reyna that the film industry enjoyed a more lenient treatment from the MTRCB. Siguion-Reyna broke the label of “guardians of morality” used by her predecessors and assumed a liberal stance towards film productions. This, of course, did not bode well with religious groups. The influential sect, Jesus Is Lord, called for her resignation and held a rally where they prayed to “exorcise the board of demons”. The current MTRCB head, Toto Villareal, was appointed by President Benigno Aquino III in 2013, and is a lawyer and a member of the Catholic sect Opus Dei. It is not surprising, then, that Villareal has opted to adopt a conservative stance towards filmic productions, with the most recent case involving Church doctrine. In the 2014 iteration of the popular Cinema One Originals program, the premiere of Kristian Cordero’s *Angustia* was delayed due to a last-minute report that the MTRCB had slapped the film with an “X”. Starring Alex Vincent Medina, Maria Isabel Lopez, and Michelle Smith, the film narrates the love story of a Spanish friar and an indigenous girl in 19th-century Bicol (*ABS-CBN News*). The director immediately scrambled to “sanitize” the film and re-edited scenes appropriate to the Catholic Church and the MTRCB.

The trends observed in the implementation of the MTRCB’s mandate is troubling, to say the least. First and foremost, although the body is, on paper, tasked with the mere classification of film and television, it is nevertheless given the power to censor through the “X” rating. Secondly, the arbitrariness of MTRCB’s standards to classify films and television productions allows for a great deal of discretion on the part of the MTRCB chairman. To be sure, the potentialities of the powers of the MTRCB, with its chairman, is a critical concern for a developing nation such as the Philippines. Like all forms of censorship, the MTRCB’s power, masked as “classification”, is susceptible to grave abuse. Whatever the films or television programs that the MTRCB may opt to censor, the very act of “punishment” would send a chilling effect for other forms of speech within the filmic medium. One can speculate that this is

precisely what has caused the ideological stagnation of mainstream Filipino films. Producers and directors, wary of the arbitrariness of the MTRCB's ratings system and the death-knell signaled by an "X", tend to shy away from films that tackle deeper issues considered taboo in contemporary Philippine society – issues such as abortion, reproductive health, LGBT discrimination, and unequal economic growth. Filipino moviegoers, as a consequence, view the cinema as an escapist tool, useful only for solace and consolation, rather than for revolutionary and progressive action. In this lose-lose situation, such a process signals the eventual collapse of Philippine cinema as a legitimate art form.

Future Directions

Is the abolition of the MTRCB called for? Regrettably, no. The consequences of a Philippine film industry without rules, policies, or regulatory measures would be a critical backlash from a viewing public. An unfettered film industry, devoid of a perceived moral compass, would be counter-productive to the pursuit of freedom of expression. What, then, is the proper recourse to the current dilemma?

It is high time that the MTRCB be reorganized into a *purely* classificatory agency that does not have the power to ban or prohibit the showing of films distasteful to the status quo. A purely self-regulatory, and classificatory body in lieu of the MTRCB, and devoid of government interference (much like the print media) is called for. Only then can filmmakers, artists, and media professionals truly be free of state censorship. This is so because, by nature, the censor seeks stability and convention in its every decision. This, in itself, is problematic. As the acclaimed filmmaker Eddie Romero has noted in an essay dealing with film censorship:

“...what censors do not seem to be sufficiently aware of is that you cannot ensure order and stability by simply defending the values that *used* to support them without staying alert to what changing conditions are doing to those values, and what these shifts portend for future order and stability. Unless this capability exists, censorship becomes not only a hindrance to creative expression and a wet blanket to the general public, but, unknowingly, a menace to the credibility of government itself...”

At present, there is a critical and obvious conflict between P.D. 1986 (and its IRR) and the 1987 Constitution. Given that the latter is a Marcos decree, handed out at the height of his illegitimate legislative powers, it is also a prudent measure from a legal point of view. Even if the members of the Board themselves have repeatedly claimed that there is no censorship or that

there will be no restriction on the freedom of expression, the truth remains that P.D. 1986 is still in effect, and, unless repealed or amended, it remains in contravention of the freedom of expression enshrined in Article III, Section 4. The law still provides an arsenal of weaponry that the censor and the state can – and will – wield in cases where ideas expressed through the media are not in tune with the majority. A man with a gun, even if he does not use it, is still a man with a gun, dangerous and unpredictable.

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