

REPUBLIC ACT NO. 8370

CHILDREN'S TELEVISION ACT OF 1997

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

SECTION 1. *Title.* – This Act shall be known as the "Children's Television Act of 1997."

SEC. 2. *Declaration of Policy.* – The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being by enhancing their over-all development, taking into account sectoral needs and conditions in the development of educational, cultural, recreational policies and programs addressed to them.

Likewise, the State recognizes the importance and impact of broadcast media, particularly television programs on the value formation and intellectual development of children and must take steps to support and protect children's interests by providing television programs that reflect their needs, concerns and interests without exploiting them.

The State recognizes broadcasting as a form of mass communication guaranteed by the Constitution, the exercise of which is impressed with public interest, and which imposes upon the broadcast industry the social responsibility of ensuring that its activities serve the interest and welfare of the Filipino people.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms shall mean:

- a) *Children* - all persons below eighteen (18) years old;

b) *Children's television* - refers to programs and other materials broadcast on television that are specifically designed for viewing by children;

c) *Child-friendly programs* - refers to programs not specifically designed for viewing by children but which serve to further the positive development of children and contain no elements that may result in physical, mental and emotional harm to them. These include various formats and genre that appeal to children and are made available for all ages from early childhood to adolescence; and

d) *Child-viewing hours* - hours which are considered to be appropriate for children to watch television taking into account other activities which are necessary or desirable for their balanced development.

SEC. 4. *Establishment of a National Council for Children's Television.* – There is hereby established a National Council for Children's Television (NCCT), hereinafter referred to as the Council, which shall be attached to the Office of the President for purposes of administrative supervision.

The Council shall be composed of five (5) members who shall be appointed by the President for a term of three (3) years: *Provided*, That of the first appointees:

a) the term of the first set of two (2) members shall be for three (3) years;

b) the term of the second set of two (2) members shall be for two (2) years; and

c) the term of the remaining member shall be for one (1) year.

The members of the Council shall elect a chairperson from among themselves.

Members of the Council shall be appointed on the basis of their integrity, high degree of professionalism and having distinguished themselves as an authority in the promotion of children's rights to responsible television programming and shall represent the following sectors, namely: academe, broadcast media, child development specialists, parents and child-focused non-government organizations duly registered with the Securities and Exchange Commission (SEC) and with membership preferably in all the cities and provinces throughout the country. The nominees shall be nominated by their respective organization and the Council for the Welfare of Children in consultation with the Advisory Committee.

The members of the Council shall serve and continue to hold office until their successors shall have been appointed and qualified. Should a member of the Council fail to complete his/her term, the successor shall be appointed by the President, but only for the unexpired portion of the term.

The ranks, emoluments and allowances of the members of the Council shall be in accordance with the Salary Standardization Law and other applicable laws.

*SEC. 5. The Council Secretariat.* – The Council shall organize a secretariat to be headed by an Executive Director and with not more than twenty (20) personnel, as may be determined by the Council. The Council shall determine the secretariat's staffing pattern, determine the qualifications, duties, responsibilities and functions, as well as compensation for the positions to be created by the Council upon recommendation of the Executive Director subject to the National Compensation and Classification Plan and other existing Civil Service rules and regulations.

*SEC. 6. The Advisory Committee and Its Composition.* – There is hereby constituted an Advisory Committee which shall assist the Council in the formulation of national policies pertaining to children's broadcast programs and in monitoring its implementation. The Council and the Advisory Committee shall meet at least once every quarter of a year.

The members of the Advisory Committee shall be composed of the following:

- a) the Executive Director of the Council for the Welfare of Children;
- b) the Chairman or Executive Director of the National Commission for Culture and the Arts;
- c) the President of the Kapisanan ng mga Brodkasters sa Pilipinas;
- d) the President or Executive Director of the Philippine Association of National Advertisers;
- e) Press Undersecretary/Officer-In-Charge of the Philippine Information Agency;
- f) the Chairman of the Movie and Television Review and Classification Board; and
- g) a representative from the National Telecommunications Commission.

Whenever any member of the Advisory Committee is unable to attend, he or she shall designate a representative to attend as his or her alternate.

SEC. 7. *Functions of the Council.* – The Council shall have the following functions:

- a) to formulate and recommend plans, policies and priorities for government and private sector (i.e. broadcasters, producers, advertisers) action towards the development of high quality locally-produced children's television programming, to meet the developmental and informational needs of children;
- b) to promote and encourage the production and broadcasting of developmentally-appropriate television programs

for children through the administration of a national endowment fund for children's television and other necessary mechanisms;

c) to monitor, review and classify children's television programs and advertisements aired during the hours known to be child-viewing hours in order to take appropriate action such as disseminating information to the public and bringing monitoring results to the attention of concerned agencies for appropriate action;

d) to formulate, together with the television broadcast industry, a set of standards for television programs shown during child-viewing hours and work closely with the industry for the adoption and implementation of said standards;

e) to initiate the conduct of research for policy formulation and program development and disseminate its results to broadcasters, advertisers, parents and educators on issues related to television and Filipino children;

f) to promote media education within the formal school system and other non-formal means in cooperation with private organizations;

g) to monitor the implementation of this Act and other existing government policies and regulations pertaining to children's broadcast programs, as well as to recommend and require the appropriate government agencies and/or self-regulatory bodies concerned to enforce the appropriate sanctions for violations of these regulations and policies based on their respective mandates;

h) to recommend to Congress appropriate legislative measures which will grant incentives for independent producers and broadcasters to encourage the production of quality local children's television programs; and

i) to act on complaints committed in violation of this Act with the goal of protecting children from the negative and harmful influences and to cause or initiate the prosecution of violators of this Act.

SEC. 8. *Submission of Comprehensive Media Program for Children.* – Within one (1) year from the effectivity of this Act, the Council in consultation with the Advisory Committee shall submit to Congress a comprehensive development and protection program with the end in view of formulating policies on children's media programs, and recommending plans and priorities for government towards the promotion, development, production and broadcasting of developmentally-appropriate media programs for children. Likewise, it shall prescribe an appropriate set of criteria for evaluating programs with the end in view of establishing a Television Violence Rating Code.

Towards this end, the Council may consider internationally-accepted programs of action for children's television. More particularly, the Council shall be guided by the following standards herein to be known as "The Charter of Children's Television":

a) Children should have programs of high quality which are made specifically for them, and which do not exploit them. These programs, in addition to being entertaining should allow children to develop physically, mentally and socially to their fullest potential;

b) Children should hear, see and express themselves, their culture, languages and life experiences through television programs which affirm their sense of self, community and place;

c) Children's programs should promote an awareness and appreciation of other cultures in parallel with the child's own cultural background;

d) Children's program should be wide-ranging in genre and content, but should not include gratuitous scenes of violence and sex;

e) Children's program should be aired in regular time slots when children are available to view and/or distributed through widely accessible media or technologies;

f) Sufficient funds must be made available to make these programs conform to the highest possible standards; and

g) Government, production, distribution and funding organizations should recognize both the importance and vulnerability of indigenous children's television and the steps to support and protect it.

SEC. 9. *Allotment of Air Time for Educational Children's Programs.* – A minimum of fifteen percent (15%) of the daily total air time of each broadcasting network shall be allotted for child-friendly shows within the regular programming of all networks granted franchises or as a condition for renewal of broadcast licenses hereinafter, to be included as part of the network's responsibility of serving the public.

SEC. 10. *Implementing Rules and Regulations.* – The Council, in consultation with all appropriate government agencies and non-government organizations, shall issue the necessary rules and regulations for the implementation of this Act within ninety (90) days after its effectivity.

SEC. 11. *Penalty.* – In the exercise of its administrative function, the Council shall petition the proper government agencies and/or appropriate self-regulatory bodies to suspend, revoke or cancel the license to operate television stations found violating any provision of this Act and its implementing rules and regulations.

SEC. 12. *The National Endowment Fund for Children's Television.* – The creation of a National Endowment Fund for Children's Television, hereinafter referred to as the Fund, is created for the promotion of high standards of indigenous program development in children's television and media specifically intended for the Filipino children. An amount of Thirty million pesos (P30,000,000) sourced from the income of the lotto operations of the Philippine Charity Sweepstakes Office (PCSO) and another Thirty million pesos (P30,000,000) from the gross income of the Philippine Gaming Corporation (PAGCOR) shall form part of the Fund.

a) The Fund shall be created for the purpose of developing and producing high quality television programs that are culturally-relevant and developmentally-appropriate for children.

b) The Fund is intended to contribute to the development of media programs that contribute to Filipino children's awareness and appreciation for their cultural identity, national heritage and social issues that will in turn help them grow to be productive and nationalistic citizens.

c) Access to the Fund shall be provided by the Council through a grant application process for qualified producers and organizations with proven track record in the production of high quality children's television programs. Necessary requirements are to be submitted to the Council for approval.

d) Copyright for programs and products to be developed with assistance from the Fund will be jointly owned by the Council and the producers.

e) Priority shall be given to independent producers and organizations or institutions including youth organizations who do not have access to the resources of a national network.

f) The Council is authorized to accept grants, contributions or donations from private corporations and international donors for the National Endowment Fund for Children's Television: *Provided*, That such grants, contributions, or donations are exempted from donor's and donee's taxes: *Provided, further*, That these funds will be used strictly for the endowment fund.

SEC. 13. *Appropriations.* – For the initial operating expenses of the Council, the amount of Five million pesos (P5,000,000) is hereby appropriated out of the funds of the National Treasury not otherwise appropriated. Thereafter, it shall submit to the Department of Budget and Management its proposed budget for inclusion in the General Appropriations Act, approved by Congress.

SEC. 14. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions thereof.

SEC. 15. *Repealing Clause.* – All laws, decrees, executive orders, presidential proclamations, rules and regulations or parts



thereof contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 16. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved, October 28, 1997.