



Penalty for obscenity

LAST July 14, President Marcos signed Presidential Decree No. 960 providing for more severe penalties for persons putting up obscene publications and exhibitions and indecent shows.

PD 960 increases the penalty for immoral doctrines, obscene publications and exhibitions and indecent shows from *prison correccional* (6 months and 1 day to 2 years and 5 months) or a fine ranging from P200 to 2,000 as provided in Art. 201 of the Revised Penal Code to *prison mayor* (6 years and 1 day to 12 years) and/or a fine ranging from P6,000 to P12,000.

Obligation of State. In PD 960, the President said: "It is the obligation of the State to safeguard the morality of society, particularly the youth, against the eroding influence of immoral doctrines, obscene publications and exhibitions and indecent shows." In order to arrest the proliferation of such doctrines, publications, exhibitions and shows, it was necessary to amend the pertinent provision of the Revised Penal Code, the President added.

PD 960 amends Article 201 of the Revised Penal Code to read as follows:

"Art. 201. *Immoral doctrines, obscene publications and exhibitions, and indecent shows.* - The penalty of *prison mayor* or a fine ranging from six thousand to twelve thousand pesos, or both such imprisonment and fine, shall be imposed upon:

"1. Those who shall publicly expound or proclaim doctrines openly contrary to public morals;

"2. The authors of obscene literature, published with their knowledge in any form, the editors publishing such literature, and the owner/operators of the book store or other establishments selling the same;

"3. Those who in theaters, fairs, cinematographs or any other place, shall exhibit indecent or immoral plays, scenes, acts or shows, including the following:

"(a) Films which tend to incite subversion, insurrection or rebellion against the state;

"(b) Films which tend to undermine the faith and confidence of the people in their Government and/or duly constituted authorities;

"(c) Films which glorify criminals or condone crimes;

"(d) Films which serve no other purpose but to satisfy the market for violence, lust or pornography;

"(e) Films which offend any race or religion;

"(f) Films which tend to abet traffic in and use of prohibited drugs;

"(g) Films contrary to law, public order, morals, good customs, established policies, lawful orders, decrees, edicts, and any or all films which in the judgment of the Board of Censors for Motion Pictures or other agency established by the Government to oversee such motion pictures are objectionable on some other legal or moral grounds.

"4. Those who shall sell, give away or exhibit prints, engravings, sculptures which are offensive to morals."

PD 960 also provides that "literature, films, prints, engravings, sculpture, paintings, or other materials and articles involved in the violation referred to in Section 1 hereof shall be confiscated and forfeited in favor of the government and to be destroyed."

According to Section 3 of PD 960, violations of Section 1 hereof will be subject to trial by the military tribunals and the offenders shall be subject to

arrest and detention pursuant to existing laws, decrees, orders and instructions promulgated pursuant to Proclamation No. 1081, dated September 21, 1972 and No. 1104, dated January 17, 1973.

Additional Penalties. In Section 4 of PD 960, additional penalties were prescribed as follows:

1. In case the offender is a government official or employee who allows the violations of Section 1 hereof, the penalty shall be imposed in the maximum period and in addition, the accessory penalties provided for in the Revised Penal Code, as amended shall likewise be imposed.

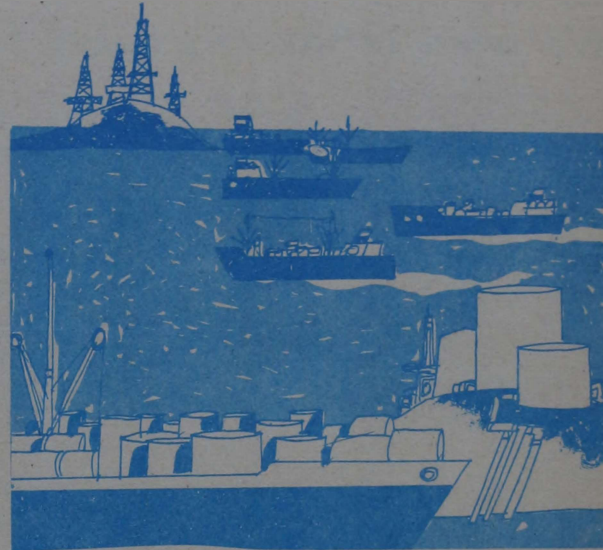
2. The license or permit of the theater, cinematographs or other place or establishment where the violation has been committed shall be cancelled temporarily or permanently, depending upon the gravity of the violation as determined by the proper military tribunal.

PD 960 takes effect 15 days after its publications by the Department of Public Information in two newspapers of general circulation. □

Increase oil tonnage

THROUGH Letter of Instructions No. 400, President Marcos has directed the Philippine National Oil Co. and its affiliates and subsidiaries to increase their crude oil tonnage capability by negotiating and executing appropriate charters and/or hire contracts covering crude oil tankers suitable for the requirements of domestic oil companies. He also ordered them to negotiate and execute appropriate contracts of affreightment and/or sub-charters with the oil companies for the transport of the latter's crude requirements to the country.

In the LOI, the President likewise directed the Central Bank to require as a condition for the remittance of foreign exchange payment of freight for crude oil hereafter imported into the country a certification from the PNOC that it and/or its affiliates and subsidiaries did not have the appropriate and/or required tonnage capability, whether owned, chartered or hired, to transport the



crude oil for which frequent payment remittances are requested.

All this is in line with the government's program to prevent unnecessary expenditures of foreign exchange and, at the same time, serve the national objective to increase and develop the government's crude transport capabilities.

The President enjoined the PNOC to consider the following factors in negotiating the freight rate and other terms and conditions in its contracts with the oil companies:

□ The freight rate and other terms and conditions at which the oil companies operating in the Philippines have traditionally imported their crude requirements into the country;

□ The stability and adequacy of crude transport availability in the international market for Philippine crude requirements, and

□ Other factors and circumstances as the PNOC shall consider material and relevant.

LOI 400 was addressed to the governor of the Central Bank, the chairman of the Philippine National Oil Co. and the chairman of the Oil Industry Commission. □

A freer air policy

LAST June 30, President Marcos approved the liberalization of the Philippine government's air policy to enable air services to keep pace with development of other aspects of the tourism industry, such as hotels, ground transportation, resorts, tour operations and others.

The President issued *Letter of Instructions No. 417* implementing the historic move to further push the Philippines into the mainstream of world travel and tourism.

The LOI was addressed to the secretary of foreign affairs and the chairman of the Civil Aeronautics Administration.

The liberalization of the air policy was strongly recommended by both the public and private sectors of the tourism industry, who expressed apprehension that the huge investments of both the government and the private sectors in tourism development would be wasted if the expansion of airline operations is not encouraged.

The President emphasized that the liberalization of the air policy does not mean the unregulated operations of foreign airlines in the Philippines.

The entry of new foreign airlines, or increased frequency of flights by currently operating airlines, would depend on their actually landing tourists in the Philippines and on their promotion of the Philippines as a tourist destination. The President also stressed that the interests of the Philippine flagcarrier should be adequately protected.

The President signed the LOI after a final briefing on the subject by Tourism Secretary Jose D. Aspiras, other officials of the Department of Tourism, officials of the Philippine Tourism Authority, the Civil Aeronautics Board, and of the tourism private sector.

The key provision of the LOI reads: "3. Air agreements/diplomatic notes should treat only with the grant of traffic freedoms and rights, in consonance with the rights of a sovereign state to exercise its political prerogative, and should provide for equality of opportunity. Reciprocity is demanded by sovereignty but it should be interpreted to mean the exchange of rights, freedoms and opportunities immediately after the grant or at some later time, or the subsequent decision of the airline not to exercise such rights, freedoms and opportunities at all. Further, reciprocity should not be strictly interpreted to mean exchange of frequencies on a one-to-one basis." □

