



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 426, S-2009

AN ORDINANCE PROHIBITING AND PENALIZING THE USE
OF ANY AUDIOVISUAL RECORDING DEVICE INSIDE
ANY MOTION PICTURE EXHIBITION FACILITY
WITHIN THE CITY OF MANDALUYONG

WHEREAS, the government of the City of Mandaluyong recognizes the economic rights of intellectual property owners, including the owners of copyrights, and adheres to the policy of the State to curb the proliferation and introduction into commerce of pirated, counterfeit and fake articles and goods;

WHEREAS, the government of the City of Mandaluyong further recognizes the contribution of the entertainment industry in boosting the local economy, and is aware of the challenges that movie producers, distributors and theater owners are facing as a result of piracy and counterfeiting;

WHEREAS, the replication and reproduction of articles and goods, amounting to infringement of intellectual property rights have been done in various ways and means, not all of which can be detected, determined and properly identified to be actionable under existing laws;

WHEREAS, it has been established that some unscrupulous individuals pass themselves off as moviegoers and use audiovisual recording devices, including camcorders, cellular phones, and digital cameras to record films inside motion picture exhibition facilities, for the purpose of copying, replicating and reproducing films for sale to the public, without the knowledge and authority of the film owners;

WHEREAS, the replication and reproduction of films by the use of audiovisual recording devices, including camcorders, cellular phones, and digital cameras inside motion picture exhibition facilities, have contributed to the massive proliferation of pirated films in the market, thereby depriving movie producers, distributors and theater owners of income from the production, distribution and showing of said films to the public;

WHEREAS, the government of the City of Mandaluyong has likewise been deprived of income by way of taxes collectible from the legitimate production, distribution and showing of films to the public;

WHEREAS, the unauthorized replication and reproduction of copyrighted materials and distribution thereof in the City have given it the image of being a source of pirated materials, an image which the City seeks to dispel;

WHEREAS, in order to minimize the further proliferation of pirated, fake and counterfeit films in the market, and to protect the economic rights of legitimate movie producers, distributors and theater owners, there is a need to penalize the use of audiovisual recording devices, including camcorders, cellular phones, and digital cameras in recording films inside motion picture exhibition facilities.

NOW, THEREFORE, BE IT ENACTED, as it is hereby enacted, by the Sangguniang Panlungsod of Mandaluyong, by virtue of the powers vested in it by law, in session assembled that:

SECTION 1. DEFINITIONS.

- a. AUDIOVISUAL RECORDING DEVICE – a digital or analog photographic or video camera, or any other technology or device capable of enabling the recording or transmission of a copyrighted motion picture or other audiovisual work, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.
- b. MOTION PICTURE EXHIBITION FACILITY – a movie theater, screening room, or other venue that is being used primarily for the exhibition of a copyrighted motion picture, if such exhibition is open to the public or is made to an assembled group of viewers outside of a normal circle of a family and its social acquaintances.

SECTION 2. Tickets in all motion picture exhibition facilities in the City of Mandaluyong shall contain a provision stating that *“The use of any audiovisual recording device, including camcorders, cellular phones, digital cameras and other similar recording devices are prohibited inside the cinema”*, or words of similar import or posting such warning or precaution at the theater’s main entrance or lobby.

SECTION 3. Motion picture exhibition facilities shall likewise flash the same message on the screen prior to the start of the film.

SECTION 4. Any person who, without the authorization of the copyright owner uses or attempts to use an audiovisual recording device to transmit or make copy of a motion picture or other audiovisual work protected under Republic Act No. 8293 (Intellectual Property Code), or any part thereof, from a performance of such work in a motion picture exhibition facility shall immediately be apprehended, and the audiovisual recording device and other equipment used in the recording shall be confiscated.

SECTION 5. The theater owner shall seek the assistance of the Philippine National Police (PNP) and/or the National Bureau of Investigation (NBI) as may be required by the circumstances of each case of apprehension.

SECTION 6. Any person who has committed the act prescribed in Section 4 hereof shall be penalized with:

- a. a fine in the amount of Two Thousand Pesos (P2,000.00), or imprisonment for a period not exceeding six (6) months, or both, at the discretion of the court for the first offense; or
- b. a fine in the amount of Five Thousand Pesos (P5,000.00) or imprisonment for a period not exceeding one (1) year or both, at the discretion of the court, for the second or subsequent offenses.

SECTION 7. In addition to the penalties mentioned in Section 6, the confiscated audiovisual recording device and/or other equipment shall be disposed of in such manner as the court may order.

SECTION 8. The prosecution for the commission of the foregoing offenses shall not constitute a bar for the prosecution of offenses under Republic Act No. 8293 or the Intellectual Property Code and other related laws.

- SECTION 9. PERSONS LIABLE. Any person caught using a camcorder or any recording device, including cellular phones, in recording of films inside the cinema shall be liable under this Ordinance. All persons acting as look-outs or doing anything in assistance to the person recording the film shall be liable as a principal offender under this Ordinance.
- SECTION 10. SEPARABILITY CLAUSE. If any provision or part hereof is held invalid or unconstitutional, the remainder of the Ordinance or the provision not otherwise affected shall remain valid and subsisting.
- SECTION 11. REPEALING CLAUSE. All ordinances and resolutions inconsistent herewith are hereby repealed and/or modified accordingly.
- SECTION 12. EFFECTIVITY CLAUSE. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

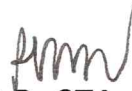
ENACTED on this 12th day of January, 2009 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE
WAS ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


JIMMY D. LACEBAL
Sanggunian Secretary

ATTESTED:

APPROVED:


RENATO B. STA. MARIA
City Vice Mayor &
Presiding Officer


BENJAMIN DC. ABALOS, JR.
City Mayor
Date: JAN 26 2009

PROHIBITING
AUDIO VISUAL RECORDING DEVICE

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Councilor



ANTONIO DLS. SUVA
Councilor

TERESITA C. PILLAS (Sick Leave)
Councilor



MARIO L. DE GUZMAN
Councilor



SEVERO N. SERVILLON
Councilor



ALEX I. SANTOS
Councilor

EDWARD G. BARTOLOME (Official Business)
Councilor



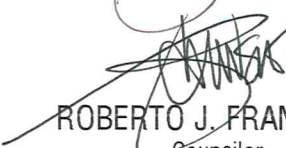
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MICHAEL R. OCAMPO
Councilor



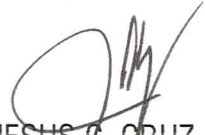
NOEL E. BERNARDO
Councilor



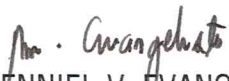
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