

P.D. 1986 and the Movie and Television Review and Classification Board: A Challenge to Freedom of Speech and Expression

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This Note explores the various laws and concepts of free speech vis-à-vis the decision of the Movie and Television Review and Classification Board (MTRCB) concerning its finding that the August 21, 1991 episode of “Oh No, It’s Johnny!” deserved to be penalized by a ten day suspension and its effect of restraining the producers from airing the subsequent episode scheduled for August 28, 1991.

Part II of the Note provides a brief history and the parameters of free speech. This Part also discusses obscenity as a concept in free speech. Part III discusses what is obscene and resolves the alleged obscenity in the August 21, 1991 episode of “Oh No, It’s Johnny!” In Part IV, the Author concludes that the alleged (and proffered) “wider viewership” and “impact of television” alone should not be the bases for greater suppression of free speech. Moreover, the Author maintains that when a penalty under subsequent action suffices, it must be *mandated* that such course of action be taken. As a final note, the Author submits that subsequent restraint is preferred over subsequent penalties that tend to hinder the speaker from uttering anything at all.