

Republic of the Philippines
HOUSE OF REPRESENTATIVES
THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2735



Introduced by Reps. SATUR C. OCAMPO, TEODORO A. CASIÑO, JOEL G. VIRADOR, CRISPIN B. BELTRAN, RAFAEL V. MARIANO, LIZA L. MAZA, MONICO O. PUENTEVILLA, ALFREDO D. MARANON III

Explanatory Note

This bill seeks to grant the Binhi Sang Kauswagan Foundation Inc. a franchise to construct, install, establish, operate and maintain a community-based radio station for the benefit of the people of southwestern Negros Occidental. Its initial envisioned area is the city of Sipalay and the municipality of Cauayan.

The Binhi Sang Kauswagan Foundation is a non-stock, non-profit, non-governmental organization active in grassroots organization building in southern Negros Occidental. Established on December 20, 1999, it is registered with the Securities and Exchange Commission. It holds office in Sipalay City.

The Foundation is dedicated to the advocacy of people's issues and environmental issues affecting the uplands of southern Negros Occidental. Its key area of interest is community-based natural resources management and development, preserving protected areas and wildlife sanctuaries, increasing upland people's roles and strengthening their participation in decision-making over upland natural resources. It engages in project implementation and participatory local development planning in the fields of health and agriculture. It is also active in establishing the Southern Negros information database.

In line with its educational and informational thrusts, the Foundation procured equipment and facilities for a frequency modulated (FM) radio transmitter, believing that the oral medium is more consistent with the local culture of the uplands. A considerable number of lower middle-income individuals in Sipalay City supported the modest initiative by contributing funds for the operation of the station. At least 36 individuals contributed shares ranging from P5,000 to P25,000, to make an initial combined total cooperative investment of P200,000.

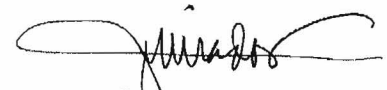
Being located in an isolated municipality, the Foundation has found it difficult to secure the necessary clearances and permits required to operate a radio station. The applicant thus seeks the protective mantle of a congressional franchise to support their endeavor to establish a community-based radio station to reach out to those who need information the most.

The Binhi Sang Kauswagan Foundation is 100% Filipino owned. It deserves nothing less than the grant of their franchise in recognition of their demonstrated commitment to provide an information resource center for the advocacy of people's and environmental issues and actively contribute to the establishment of a network of concerned citizens united in common action on social issues affecting the environment and the people.

In view of the foregoing, immediate approval of this bill is earnestly sought.


SATUR C. OCAMPO
Bayan Muna, Party-List


TEODORO A. CASIÑO
Bayan Muna, Party-List


JOEL G. VIRADOR
Bayan Muna, Party-List

Republic of the Philippines
HOUSE OF REPRESENTATIVES
THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2736



Introduced by Reps. SATUR C. OCAMPO, TEODORO A. CASIÑO and JOEL G. VIRADOR

Explanatory Note

This bill repeals Republic Act No. 5260 entitled "An Act Authorizing a Committee Composed of the Administrator of the Social Welfare Administration, the Auditor General and the Secretary of the Department of General Services to Sell the Welfareville Property Located in the Municipality of Mandaluyong, Province of Rizal, and For Other Purposes."

Enacted on June 15, 1968 under the Marcos government, RA 5260 is an inherently unjust law. In the guise of authorizing the public bidding of the Welfareville property to generate funds supposedly for "children's welfare services," it pointedly and grossly ignores the existence of the National Center for Mental Health (NCMH) right within the Welfareville compound.

Formerly known as the National Mental Hospital, the NCMH has been providing treatment, care and rehabilitation for the mentally ill since its establishment on December 17, 1928. It is the only national mental health facility in the country that provides vital hospital services to mental patients. It caters mostly to the poor and marginalized who come not only from Metro Manila but far-flung provinces. From a 379-bed capacity, the NCMH has grown to 4,200, with admissions often exceeding capacity amid the rising problem of mental illness in the country, especially among the poor in Metro Manila.

RA 5260 has been the basis of repeated attempts since the Marcos era to sell the 110-hectare Welfareville property and to phase out the NCMH. In 1978, at the height of martial law, the Marcos regime additionally imposed Presidential Decree 1541 providing for the "decentralization" of the mental hospital within a five-year period. The decree's real intent, however, can be gleaned from its preamble that the location of the hospital facilities right in the "core of the New Metro Manila" does not "blend well" with the plans of the Metro Manila Commission. The latter body was headed by the dictator's wife Imelda who was notorious for undertaking controversial "beautification" projects.

To date, attempts to put Welfareville on the auction block continue in the face of protests against the displacement of over 4,000 NCMH in-patients, 6,000 out-patients every month, 2,000 hospital personnel and 15,000 families who have long settled in the area. The absence of a viable and feasible alternative to the existing facilities of the NCMH as well as relocation plans for long-time residents reveal that financial gain and not real public interest persists as the primary motive of selling off Welfareville.

This bill stops the indiscriminate use and abuse of government authority in selling off prime public land. It specially upholds the constitutional obligation of the State to provide affordable and accessible health services to the people and to promote the right to health, particularly for the most disadvantaged.

In the light of the foregoing, immediate approval of this bill is earnestly sought.

SATUR C. OCAMPO
Bayan Muna-Party-List

TEODORO A. CASIÑO
Bayan Muna-Party-List

JOEL G. VIRADOR
Bayan Muna-Party-List

Republic of the Philippines
HOUSE OF REPRESENTATIVES
THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 2736

Introduced by Reps. SATUR C. OCAMPO, TEODORO A. CASIÑO and JOEL G. VIRADOR

AN ACT
EFFECTIVELY REPEALING REPUBLIC ACT NO. 5260 WHICH AUTHORIZES GOVERNMENT
AGENCIES TO SELL THE WELFAREVILLE PROPERTY LOCATED IN MANDALUYONG

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

SECTION 1. Republic Act No. 5260 entitled "An Act Authorizing a Committee Composed of the Administrator of the Social Welfare Administration, the Auditor General and the Secretary of the Department of General Services to Sell the Welfareville Property Located in the Municipality of Mandaluyong, Province of Rizal, and For Other Purposes" is hereby repealed.

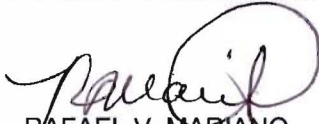
SECTION 2. All similar laws, decrees, executive orders, administrative orders, or circulars are likewise hereby repealed or amended accordingly.

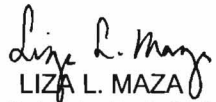
SECTION 3. This Act shall take effect upon its publication in at least one (1) newspaper of general circulation.

Approved,

AN ACT GRANTING THE BINHI SANG KAUSWAGAN FOUNDATION INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN A COMMUNITY-BASED RADIO STATION IN THE CITY OF SIPALAY AND THE MUNICIPALITY OF CAUAYAN IN SOUTHWESTERN NEGROS OCCIDENTAL


CRISPIN B. BELTRAN
Anakpawis, Party-List


RAFAEL V. MARIANO
Anakpawis, Party-List

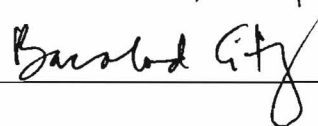

LIZA L. MAZA
Gabriela, Party-List

Hon. _____

Hon. _____

District _____

District _____

Hon. 
District 

Hon. _____

District _____

Hon. 
District 2nd DIST. NEG. OCC.

Hon. _____

District _____

Hon. _____

Hon. _____

District _____

District _____

Republic of the Philippines
HOUSE OF REPRESENTATIVES
THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2735

Introduced by Reps. SATUR C. OCAMPO, TEODORO A. CASIÑO, JOEL G. VIRADOR, CRISPIN B. BELTRAN,
RAFAEL V. MARIANO, LIZA L. MAZA, MONICO O. PUENTEVELLA, ALFREDO D. MARANON III

AN ACT
GRANTING THE BINHI SANG KAUSWAGAN FOUNDATION INC. A FRANCHISE
TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN A COMMUNITY-BASED
RADIO STATION IN THE CITY OF SIPALAY AND THE MUNICIPALITY OF CAUAYAN
IN SOUTHWESTERN NEGROS OCCIDENTAL

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

SECTION 1. Nature and Scope of Franchise. Subject to the provisions of the Philippine Constitution and applicable laws, rules and regulations, there is hereby granted to the Binhi Sang Kauswagan Foundation Inc., hereunder referred to as the grantee, its successors or assigns, a franchise to construct, install, establish, operate and maintain in the public interest a community-based radio station in the city of Sipalay and the municipality of Cauayan in southwestern Negros Occidental.

SECTION 2. Manner of Operation of Station or Facilities. The station or facilities of the grantee shall be constructed and operated in a manner as will at most result in the minimum interference on the wavelengths or frequencies of existing stations or other stations which may be established by law, without in any way diminishing its own right to use its selected wavelengths or frequencies and the quality of transmission or reception thereon as should maximize rendition of the grantee's services and/or availability thereof.

SECTION 3. Prior Approval of the National Telecommunications Commission. The grantee shall secure from the National Telecommunications Commission (NTC) the appropriate permits and licenses for the construction and operation of its station and facilities and shall not use any frequency in the radio spectrum without having been authorized by the Commission. The Commission, however, shall not unreasonably withhold or delay the grant of any such authority.

SECTION 4. Responsibility to the Public. The grantee shall assist in the functions of public information and education, conform to the ethics of honest enterprise and shall not use its station or facilities for obscene or indecent transmission, the dissemination of deliberately false information or willful misrepresentation or assist in treasonable and such other acts that are detrimental to the public interest.

SECTION 5. Right of Government. In line with Sections 17 and 18 of the Constitution, the State may, through the President, in times of war, rebellion, public peril, calamity or national emergency and under reasonable terms prescribed by it, when the public interest so requires, temporarily take over or direct the operation of the station, or to authorize the temporary use and operation thereof by any agency of the government, upon payment of due compensation to the grantee for the use of the said station, transmitter system, facilities and equipment during the period when they shall be so operated.

The radio spectrum is a finite resource that is a part of the national patrimony. Its use thereof is a privilege conferred upon the grantee by the State and may be withdrawn anytime but only after following due process and basic mandates of the Constitution and the law.

SECTION 6. Term of Franchise. This franchise shall be for a period of twenty-five (25) years from the date of effectivity of this Act, unless sooner revoked or cancelled. In the event the grantee fails to operate continuously for three (3) years, this franchise shall be deemed revoked *ipso facto*.

SECTION 7. Acceptance and Compliance. Acceptance of this franchise shall be given in writing sixty (60) days from the effectivity of this Act. Upon giving such acceptance, the grantee shall exercise the privileges granted under this Act. Non-acceptance shall render the franchise void.

SECTION 8. Tax Provisions. The grantee, its successors or assigns shall be subject to the payment of all taxes, duties, fees or charges and other impositions under the National Internal Revenue Code (NIRC) of 1997 as amended and other applicable laws. *Provided* that nothing herein shall be construed as repealing any specific tax exemptions, incentives or privileges granted under any relevant law. *Provided further* that all rights, privileges, benefits and exemptions accorded to existing and future telecommunications franchises shall likewise be extended to the grantee.

The grantee shall file the return with the city or province where its facility is located and pay the income tax due thereon to the Commissioner of Internal Revenue or his duly authorized representatives in accordance with the NIRC and the return shall be subject to audit by the Bureau of Internal Revenue.

SECTION 9. Self-Regulation. The grantee shall not require any previous censorship of any speech, play, act or scene or other matter to be broadcast from its station. It shall practice the highest tenets of responsible broadcasting and self-regulation and uphold the rule of law.

SECTION 10. Obligation of Grantee. Any person aggrieved by any remark, report, statement, commentary or the like by broadcasters using the facilities of the grantee shall have the right to reply in the same program or any other program the aggrieved party may choose.

SECTION 11. Sale, Lease, Transfer, Usufruct, etc. The grantee shall not lease, transfer, grant the usufruct of, sell or assign this franchise or the rights and privileges acquired thereunder to any person, firm, company, corporation or other commercial or legal entity, nor merge with any corporation or entity, nor shall the controlling interest of the grantee be transferred, whether as a whole or in part and whether simultaneously or contemporaneously, to any such person, firm, company, corporation or entity without the prior approval of the Congress of the Philippines. Any person or entity to which this franchise is sold, transferred or assigned, shall be subject to the same conditions, terms, restrictions and limitations of this Act.

SECTION 12. Warranty in Favor of National and Local Governments. The grantee shall hold the national, provincial, city and municipal governments of the Philippines harmless from all claims, accounts, demands or actions arising out of accidents or injuries, whether to property or persons, caused by the construction or operation of the radio station of the grantee.

SECTION 13. Equity Participation by Public. In compliance with the constitutional mandate to encourage public participation in public utilities, the grantee shall offer at least thirty percent (30%) of its outstanding capital stock within a period of five (5) years from the date of effectivity of this Act, provided that no single person or entity shall be allowed to own more than five percent (5%) of the stock offering.

SECTION 14. General Broadcast Policy Law. The grantee shall comply with and be subject to the provisions of a general broadcast policy law which Congress may hereafter enact.

SECTION 15. Equality Clause. In the event of any individual or entity receiving from Congress a franchise to provide similar telecommunications services as the herein grantee, in which case there shall be any terms favorable than those herein granted, or tending to place herein grantee at any disadvantage, then such favorable provision, terms or conditions shall *ipso facto* become part of the terms and/or provisions hereof, and shall operate equally in favor of the grantee as in the case of such other individual or entity.

SECTION 16. Separability Clause. If any of the sections or provisions of this Act is held invalid, all the

1 other provisions not affected thereby shall remain valid.

2
3 **SECTION 17. Repealability and Non-Exclusivity Clause.** This franchise shall be subject to
4 amendment, alteration or repeal by the Congress of the Philippines when the public interest so requires
5 and shall not be interpreted as an exclusive grant of the privileges herein provided for.

6
7 **SECTION 18. Reportorial Requirement.** The grantee shall submit an annual report to the Congress of
8 the Philippines on its compliance with the terms and conditions of the franchise and on its operations
9 within sixty (60) days from the end of every year.

10
11 **SECTION 19. Effectivity.** This Act shall take effect fifteen (15) days from the date of its publication, upon
12 the initiative of the grantee, in at least two (2) newspapers of general circulation in the Philippines.

13
14 Approved,