

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 3299



INTRODUCED BY HON. FLORENCIO T. MIRAFLORES

EXPLANATORY NOTE

This bill seeks to grant the Aklan State University (ASU) a franchise for the construction, operation, installation, establishment, operation and maintenance of an educational and non-commercial radio station in ASU, Municipality of Banga, Province of Akloan.

Communication networks constitute an essential medium through which vital economic, social and political matters are disseminated to the various sectors in our society, enabling them to respond and interact, both on a local and national level. Indeed, the importance of communication and information building in national growth is recognized by no less than our Constitution which states in Article 11, Section 24 thereof that, "The State recognizes the vital role of communication and information building."

Through seemingly sufficient to those who live in the metropolitan areas, the present communications network in Aklan is still sadly lacking. It is a fact well known that there are still numerous areas in the country that do not receive accurate, sufficient and reliable information on a regular basis. We are also aware that apart from the fact that it is every citizen's right to be informed of matters that affect his life and that of his family, access to information and the means by which to express one's opinion thereon allow the citizenry to take an active part in national development.

If we are, therefore to respond truly to the call for national participation of all sectors of our society in nation building, then it is essential that we establish a broader and more efficient means of communication. To date, the fastest and most far-reaching means of communications are radio and television broadcasting. Not only do radio and television provide access to information to those even in the remote areas of our country, but they provide the most effective medium, be it through talk shows, news coverage or special reports, by which the littlest of us can be heard and be counted.

It is but fitting to encourage the granting of franchises for the operation of various channels of communication, particularly in the field of radio and television for the enhancement of the dissemination of news and information thereby uplifting the intellectual, cultural and scientific level of awareness of our people, and thereby contributing to the growth and progress of our nation.

It is in this light that the passage of this bill is earnestly sought.


FLORENCIO T. MIRAFLORES

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INTRODUCED BY HON. FLORENCIO T. MIRAFLORES

AN ACT GRANTING THE AKLAN STATE UNIVERSITY (ASU) A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN A NON-COMMERCIAL PURPOSE EDUCATIONAL RADIO STATION IN THE AKLAN STATE UNIVERSITY, MUNICIPALITY OF BANGA, PROVINCE OF AKLAN

Be it enacted by the Senate and the 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 Aklan State University (ASU), hereunder referred to as the grantee, its successors or assigns, a franchise to construct, install, establish, operate and maintain for educational and noncommercial purposes and in the public interest, a radio broadcasting station in Aklan State University, Municipality of Banga, Province of Aklan, with the corresponding technological auxiliaries and facilities, special broadcast and other program and distribution services and relay stations.

SEC. 2. *Manner of Operation of Station of Facilities.* The station or facilities of the grantee shall be constructed and operated in a manner as will, at most, result only 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 the availability thereof.

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

SEC. 4. *Responsibility of the Public.* The grantee shall provide adequate public service time to enable the government, through the said broadcasting station or facilities, to reach the population on important public issues; provide at all times sound and balanced programming; assist in the functions of public information and education; conform to the ethics of honest enterprise; and not use its station or facilities for the

broadcasting of obscene and indecent language, speech, for the dissemination of deliberately false information or willful misrepresentation, to the detriment of the public interest, or to incite, encourage or assist in subversive or treasonable acts.

SEC. 5. *Right of Government.* A special right is hereby reserved to the President of the Philippines, in times of war, rebellion, public peril, calamity, emergency, disaster or disturbance of peace and order, to temporarily take over and operate the stations or facilities of the grantee, to temporarily suspend the operation of any station or facility in the interest of public safety, security and public welfare, or to authorize the temporary use and operation thereof by any agency of the government, upon due compensation to the grantee, for the use of said stations if facilities during the period when they shall be so operated.

SEC. 6. *Term of Franchise.* This franchise shall be for a term of twenty-five (25) years from the date of effectivity of this Act, unless sooner revoked or cancelled. This franchise shall be deemed *ipso facto* revoked in the event the grantee fails to comply with any of the following conditions:

- a) Commence operations within one (1) year from the approval of its permit by the National Telecommunications Commission;
- b) Operate continuously for two (2) years; and,
- c) Commence operations within three (3) years from the effectivity of this Act.

SEC. 7. *Acceptance and Compliance.* Acceptance of this franchise shall be given in writing within 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.

SEC. 8. *Bond.* The grantee shall file a bond issued in favor of the National Telecommunications Commission, which shall determine the amount, to guarantee the compliance with and fulfillment of the conditions under which this franchise is granted. If after three (3) years from the date of the approval of its permit by the Commission, the grantee shall have fulfilled the same, the bond shall be cancelled by the Commission. Otherwise, the bond shall be forfeited in favor of the National Telecommunications Commission.

SEC. 9. *Self-Regulation by and Undertaking of Grantee.* The grantee shall not require any previous censorship of any speech, play, or other matter to be broadcast from its stations: Provided, that, the grantee, during any broadcast, shall cut off from the air the speech, play, or other matter being broadcast if the tendency thereof is to propose and/or incite treason, rebellion, or sedition; or the language used therein or the theme thereof is indecent or immoral; and willful failure to do so shall constitute a valid cause for the cancellation of this franchise.

SEC. 10. *Warranty in Favor of National and Local Government.* The grantee shall hold the national, provincial, and municipal governments of the Philippines harmless from all claims, accounts, demands or actions arising out of accidents or injuries, whether to property or to persons, caused by the construction or operation of the stations of the grantee.

SEC. 11. *Sale, lease, Transfer, Usufruct, Etc.* The grantee shall not lease, transfer, grant the usufruct of, sell nor assign this franchise or the rights and privileges acquired hereunder to any person, firm, company, corporation or other commercial or legal entity, nor merge with any other corporation or entity, nor shall the controlling interest of the grantee be transferred, whether as a whole or in parts 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.

SEC. 12. *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.

SEC. 13. *Separability Clause* If any of the sections or provisions of this Act is held invalid, all the other provisions not affected thereby shall remain valid.

SEC. 14. *Repealability and Non-Exclusivity Clause.* This franchise shall be subject to amendment, alteration or repeal by the Congress of the Philippines when the public interest so requires and shall not be interpreted as an exclusive grant of the privileges herein provided for.

SEC. 15. *Reportorial Requirement.* - The grantee shall submit an annual report to the Congress of the Philippines on its compliance with the terms and conditions of the franchise and on its operations within sixty (60) days from the end of every year.

SEC. 16. *Effectivity.* This Act shall take effect fifteen (15) days from the date of its publication, upon the initiative of the grantee, in at least two (2) newspapers of general circulation in the Philippines.

Approved,
