

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

Third Regular Session

House Bill No. 5942



Introduced by Hon. Aurelio "Oyie" Matias Umali

AN ACT
GRANTING THE WESLEYAN UNIVERSITY – PHILIPPINES A FRANCHISE TO
CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN AN FM
RADIO BROADCASTING STATION IN NUEVA ECIJA

EXPLANATORY NOTE

The Wesleyan University – Philippines operates an FM radio station on a special permit from the National Telecommunications Commission. It is a 10-watt power affair that covers a radius of not more than 10 kilometers. It is non-commercial and is purely educational, as this institution is known for its emphasis on Christian education, scholarship, service and character.

Given the authority to be on air from 5a.m. to 12 midnight, they are only operating from 6 a.m. to 6 p.m., considering the limited radius reached by their radio station.

Their desire to operate full blast on their mandated operating hours and the need to broadcast to a wider area, covering the institution's various programmes on education, civic consciousness, outreach service and Christian values, sets the tone for this legislative franchise.

It is for this reason that the approval of this bill is earnestly sought.

AURELIO "OYIE M. UMALI
Representative
3rd District, Nueva Ecija

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

SECTION 1. *Nature and Scope of Franchise* – Subject to the provisions of the Constitution and applicable laws, rules and regulations, there is hereby granted to Wesleyan University – Philippines, hereunder referred to as the Grantee, its successors or assigns, a franchise to construct, install, establish, operate and maintain an FM radio broadcasting station in the province of Nueva Ecija, where frequencies are still available for FM radio broadcasting through whatever means, including the use of any new technologies in radio systems, with corresponding technological auxiliaries and facilities, special broadcast and other program and distribution services and relay stations.

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 only in the minimum interference on the wavelengths or frequencies of existing 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 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 unreasonably withhold or delay the grant of any such authority.

SECTION 4. *Responsibility to 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 stations and facilities for the broadcasting of obscene and indecent language or speech; or 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.

SECTION 5. *Right of Government* – A special right is hereby reserved to the President of the Philippines, in times of war, rebellion, public peril, calamity, disaster or disturbance of peace and order, to temporarily take over and operate the station or facilities 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 station or facilities during the period when they shall be so operated.

The radio spectrum is a finite resource that is part of the national patrimony and the use thereof is a privilege conferred upon the Grantee by the State and may be withdrawn anytime after due process.

SECTION 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 year from the approval of its operating permit by the NTC;
- (b) Operate continuously for two (2) years; and
- (c) Commence operations within three (3) years from the effectivity of this Act.

SECTION 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. Nonacceptance shall render the franchise void.

SECTION 8. *Bond* – The Grantee shall file a bond issued on favor of the NTC, which shall determine the amount, to guarantee the compliance with and fulfillment of the conditions under which this franchise is granted. If after three 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 government and the franchise *ipso facto* revoked.

SECTION 9. *Self-regulation by and Undertaking of the Grantee* – The grantee shall not require any previous censorship of any speech, play, act or scene, 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.

SECTION 10. *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 to persons, caused by the construction or operation of the stations of the grantee.

SECTION 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 thereunder 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.

SECTION 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.

SECTION 13. *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.

SECTION 14. *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.

SECTION 15. *Repealing 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.

SECTION 16. *Effectivity Clause* – 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,