

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4931

Introduced by Kabataan Party-List Representative Raymond V. Palatino

EXPLANATORY NOTE

Section 24 Article II of the 1987 Constitution provides that "The State recognizes the vital role of communication and information in nation-building."

This bill seeks to mandate all television franchise holders who air newscast programs to upload in their websites episodes of their past and present newscasts to allow the fair use by the public. Section 185 of Republic Act (RA) No. 8293, otherwise known as the "Intellectual Property Code of the Philippines," provides that:

"SEC. 185. Fair Use of a Copyrighted Work. – 185.1. The fair use of a copyrighted work for criticism, comment, news reporting, teaching including multiple copies for classroom use, scholarship, research and similar purposes is not an infringement of copyright. x x x."

With television becoming the fastest primary source of daily news information rather than the print media, students rely on newscasts to supplement their academic needs, particularly in current events. However, much as students would like to access the news provided by television networks, they can not do so because these networks do not upload all of their news or information in their website. The students have to go to the library of the particular network and can only ask for the copy of the news they need for a fee.

The passage of this bill will be of great help not only to our students who can not afford to have the copy of the newscasts of the television networks but also by our office workers where research is part of their job. More importantly, it will give easy access to the public for information thereby creating an enlightened and well-informed citizenry.

In view of the foregoing, approval of this bill is highly recommended.



HON. RAYMOND V. PALATINO
Representative, Kabataan Party-list

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AN ACT
MANDATING ALL TELEVISION FRANCHISE HOLDERS TO UPLOAD IN
THEIR RESPECTIVE WEBSITES EPISODES OF ALL THEIR PAST AND
PRESENT NEWSCASTS TO ALLOW THE FAIR USE BY THE PUBLIC AND
PROVIDING PENALTIES FOR VIOLATION THEREOF

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

1 **SECTION 1.** All television franchise holders are mandated to upload in their respective
2 websites episodes of all their past and present newscasts to make these available to the
3 public in accordance with the fair use policy as provided in Section 185 of Republic Act No.
4 9283, otherwise known as the "Intellectual Property Code of the Philippines" (Intellectual
5 Property Code).
6

7 **SECTION 2.** All uploaded episodes shall be free for download by users upon agreement to
8 the legal limits of fair use under the Intellectual Property Code.
9

10 **SECTION 3.** Any television franchise holder who fails to upload in its website episode of
11 its newscasts or does not allow public access of its newscast shall be punished as follows:
12

- 13 (a) Fine of One hundred thousand pesos (P100,000.00) for the first offense;
14 (b) Suspension of franchise for a period of not more than six months for the second
15 offense; and
16 (c) Revocation and cancellation of franchise of the firm, partnership or corporation for

1 the third offense.

2
3 Any person who violates the fair use of the newscast shall likewise be prosecuted in
4 accordance with existing laws.

5
6 **SECTION 4.** The Commissioner of the National Telecommunications Commission shall,
7 within sixty (60) days after the effectivity of this Act, issue the appropriate rules and
8 regulations for the effective implementation of this Act.

9
10 **SECTION 5.** All laws, decrees, orders, rules and regulations or parts thereof inconsistent
11 with the provisions of this Act are hereby repealed or modified accordingly.

12
13 **SECTION 6.** This Act shall take effect fifteen (15) days after its publication in the Official
14 Gazette or in two (2) national newspapers of general circulation.

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Approved,