

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
1st Regular Session

House Bill No. 1861



Introduced by HONORABLE BELMA A. CABILAO

EXPLANATORY NOTE


The province of Zamboanga Sibugay, being a new province has still a market for a new radio station most especially in the 1st District of Zamboanga Sibugay.

Currently, the province needs to have a radio station that will truly cater to the needs of the province for "fresh" local news with professional broadcasters and journalist handling the program. So far, no radio station in the province specifically in the 1st District of Zamboanga Sibugay has programs that cater to specific sectors in the community such as the farmer and fishers' group, the business community, etc. Presently, there are radio stations in the Province, all stationed in the 2nd District of Zamboanga Sibugay. Radio station is a medium of the widest reach, thus has the capability of influencing the most number of audiences. People from all walks of life listen to the radio. It is the main source of news, public service and a forum for commentaries and public opinions and religious programs. It also is a form of entertainment for its audience especially for learning, drama and music programs. It is a venue for placement of advertisements by business entities, individuals and anyone who has a product or service to sell including political personalities and political ideas.

The Malangas Institute plans to establish a FM/AM radio station in the Municipality of Malangas, Zamboanga Sibugay. The radio station will primarily serve as a medium for disseminating educational programs of the school and at the same time serve the community of Zamboanga Sibugay province. The radio station will also facilitate the learning of the students of Malangas Institute. The management intends to provide the students an insight into how a radio station is being operated.

Malangas Institute's plan to franchise a radio station will not just serve the province of Zamboanga Sibugay but also in disseminating and promoting the interest of education through broadcast communication.

In view of all these considerations, the early passage of this bill is earnestly sought.


ATTY. BELMA A. CABILAO
Representative
1st District, Zamboanga Sibugay

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AN ACT

GRANTING THE MALANGAS INSTITUTE A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN A RADIO BROADCASTING STATION IN MALANGAS, ZAMBOANGA SIBUGAY

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 Constitution and applicable laws, rules and regulations, there is hereby granted to Malangas Institute, hereunder referred to as the grantee, a franchise to construct, install, establish, operate and maintain for commercial and educational purposes and in the public interest, radio broadcasting station in Malangas, Zamboanga Sibugay, where frequencies are still available for radio broadcasting, through microwave, satellite or whatever means, including the use of any new technologies in radio systems, with the corresponding technological auxiliaries and facilities, special broadcast and other program and distribution services and relay stations.

SECTION 2. *Manner of Operation of Stations or Facilities.* – The stations or facilities of the grantee shall be constructed and operated in the manner as will, at most, result only in the minimum interference 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 its services and/or availability thereof. In no way shall the operations of the grantee, nor the radiated power of its stations or facilities, exceed that required to cover the area where it is allowed to operate.

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 reasonably 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 stations 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 wilful 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, 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 said stations 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 years; and
- (c) Commence operation within three 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 in favour of the NTC, shall determine the amount, to guarantee the compliance with and fulfilment 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 fulfilment the same, the bond shall be cancelled by the Commission. Otherwise, the bond shall be forfeited in favour 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 or other matter to be broadcast from its stations; Provided, That the grantee, during any broadcast, shall cut off from the air the speech 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. *Obligation of the Grantee* – Any person aggrieved by any remark, report, statement, commentary or the like by broadcasters using the same 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. *Warranty in Favor of National and Local Governments.* – The grantee shall hold the national, provincial, city and municipal governments of the Philippines free 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 12. *Nontransferability of Franchise* – The grantee shall not lease, transfer, grant the usufruct of, sell nor assign to any persons, 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 persons, firm, company, corporation or entity without the prior approval of the Congress of the Philippines. Any persons 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. Any transfer of franchise in violation of this section shall render the franchise ipso facto revoked.

SECTION 13. *Equality Clause* – Except for taxes, any advantage, favor, privilege, exemption or immunity granted under existing franchises, or may hereunder be granted, shall *ipso facto* become part of this franchise and shall be accorded immediately and unconditionally to the herein grantee: *Provided, however*. That the foregoing shall neither apply to nor affect provisions of broadcasting franchises concerned territory covered by the franchise, the life span of the franchise, or the type of service authorized by the franchise.

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

SECTION 17. *Repealability and Nonexclusivity 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 or the privilege herein provided for.

SECTION 18. *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 newspapers of general circulation in the Philippines.

Approved,


ATTY. BELMA A. CABILAO
Representative
1st District, Zamboanga Sibugay