

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5054**



Introduced by **HONORABLE STRIKE B. REVILLA**

EXPLANATORY NOTE

This Bill seeks to renew the franchise granted to CENTURY COMMUNICATIONS MARKETING CENTER, INC. under Republic Act No. 8133 entitled, "AN ACT GRANTING CENTURY COMMUNICATIONS MARKETING CENTER, INC., A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN FOR COMMERCIAL PURPOSES RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES, AND FOR OTHER PURPOSES" dated July 16, 1995.

CENTURY COMMUNICATIONS MARKETING CENTER, INC. (CCMCI) established its first radio station in Butuan City, Agusan Del Norte and within the period of its authority, it has grown into fifteen (15) radio stations covering almost all regions of the country. Since CCMCI's mission lies on serving people through public service, its profit has been flowed back always to the listening public by establishing more radio stations and continuously upgrading its equipment, therefore creating more jobs for the Filipino talents.

For thrity-two (32) years now, since its organization, CCMCI serves as an important instrument in information dissemination that bridges communication gaps among the populace of the country. It is able to provide sound and balance programming, as rendered by its broadcasting stations that make information readily accessible to the public. It has also frequently communicated with the people on important issues concerning public interest.

Considering that CCMCI has made appropriate use of its franchise, complied with the provisions thereof, invested significantly in broadcasting stations and equipment and intends to continue and expand its operations, it is only proper for Congress to renew the franchise of CENTURY COMMUNICATIONS MARKETING CENTER, INC. to operate radio and television broadcasting stations in the country.

The support of the Members of Congress for the prompt and timely passage of this bill is earnestly sought.


REP. STRIKE B. REVILLA
2nd District of Cavite

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Introduced by HONORABLE STRIKE B. REVILLA

AN ACT RENEWING THE FRANCHISE GRANTED TO CENTURY COMMUNICATIONS MARKETING CENTER, INC. UNDER REPUBLIC ACT NO. 8133 ENTITLED, "AN ACT GRANTING CENTURY COMMUNICATIONS MARKETING CENTER, INC., A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN FOR COMMERCIAL PURPOSES RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES, AND FOR OTHER PURPOSES", FOR ANOTHER TWENTY-FIVE (25) YEARS FROM THE EFFECTIVITY OF THIS ACT.

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, a franchise is hereby granted again to Century Communications Marketing Center, Inc., hereunder referred to as the Grantee, its successors or assigns, to construct, install, operate and maintain for commercial purposes and in the public interest, radio and television broadcasting stations in the Philippines where frequencies or channels are still available for radio or television broadcasting, including digital television, through microwave, satellite, or whatever means, including the use of any new technologies in television and radio systems, with corresponding technological auxiliaries and facilities, special broadcast, and other program and distribution services and relay stations.

SEC. 2. *Manner of Operation of Stations or Facilities.* - The stations or facilities of the Grantee shall be constructed and operated in a manner that will result, at most, only in 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 privilege to use its assigned wavelengths or frequencies and the quality of transmission or reception thereon as should maximize the rendition of the Grantee's services and the availability thereof.

SEC. 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 of its stations and facilities and shall not use any frequency in the radio and television spectrum without authorization from the NTC; Provided, that the NTC shall not unreasonably delay or withhold the grant of any such authority.

SEC. 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, speech, act or scene, 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.

SEC. 5. *Right of Government.* - A special right is 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 its stations or facilities during the period when they shall be so operated.

The radio spectrum is 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 any time after due process.

SEC. 6. *Term of Franchise.* - This franchise shall be for a term of twenty-five (25) years from the effectivity of this Act, unless sooner revoked or cancelled. This franchise shall be *ipso facto* revoked in the event the Grantee fails to operate continuously for two (2) years.

SEC. 7. *Acceptance and Compliance.* - Acceptance of this new franchise by the Grantee shall be given in writing to the Congress of the Philippines, through the Committee on Legislative Franchises of the House of Representatives and the Committee on Public Services of the Senate, within 60 days from the effectivity of this Act. Upon giving of such acceptance, the Grantee shall exercise the privileges granted under this Act. Non-acceptance of this franchise within the period provide herein shall render the same void.

SEC. 8. *Self-regulation by and Undertaking of 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, act or scene, 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; *Provided, further*, that willful failure of the Grantee to do so shall constitute a valid cause for the cancellation of this franchise.

SEC. 9. *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 operations of the stations of the Grantee.

SEC. 10. *Sale, Lease, Transfer, Grant of Usufruct, or Assignment of Franchise.* - 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 transfer its controlling interest, 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.

SEC. 11. *General Broadcast Policy Law.* - The Grantee shall comply with and be subject to the provisions of a general broadcast policy law, which the Congress of the Philippines may hereafter enact.

SEC. 12. *Reportorial Requirement.* - The Grantee shall submit an annual report to the Congress of the Philippines, through the Committee on Legislative Franchises of the House of Representatives and the Committee on Public Services of the Senate, on its compliance with the terms and conditions of the franchise and on its operations on or before April 30 of every year during the term of this franchise.

SEC. 13. *Equality Clause.* - Any advantage, favor, privilege, exemption, or immunity granted under existing franchises or which may hereafter be granted for radio or television broadcasting, upon prior review and approval of Congress of the Philippines, shall automatically become part of this franchise and shall be accorded immediately and unconditionally to the Grantee; *Provided*, that the foregoing shall neither apply to nor affect the provisions of broadcasting franchises concerning territory covered by such franchise, the life span of the franchise or the type of service authorized by the franchise.

SEC. 14. *Separability Clause.* - If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

SEC. 15. *Repealing Cause.* - The franchise shall be subject to amendment, modification, 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.

SEC. 16. *Effectivity.* - This Act shall take effect immediately fifteen after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,