

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session



HOUSEBILL NO. **5504**

Introduced by Hon. Arthur C. Yap

This bill seeks to renew the franchise granted to Bohol Chronicle Radio Corporation, under Republic Act No. 7634 entitled, An Act authorizing the transfer and assignment to the Bohol Chronicle Radio Corporation of the franchise to construct, operate and maintain television and radio broadcasting stations in the province of Bohol grated under Republic Act numbered forty-seven hundred and ninety two to ZoiloDejaresco, Jr., and renewing the terms of the said franchise to another twenty five (25) yeas from the date of effectivity of this act”, enacted into law on July 24, 1992.

The Bohol Chronicle Radio Corporation is an entity that has been granted authority by the state to operate for the last fifty years. It be began in wirecasting in 1961, through its station DYRD-AM, serving the people of Bohol its public service, and current affairs programs. In 1980 it branched out in the FM band, establishing DYRD-FM and after DYZD-AM in the town of Ubay.

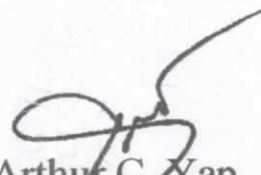
The Bohol Chronicle Radio Corporation has served the Boholanons in disseminating vital information, in pursuit of the constitutional recognition of the state of the vital role of communication and information in nation building.

The term of the franchise of the Bohol Chronicle Radio Corporation, which is twenty-five (25) years, will expire in July 2017.

Media plays a crucial role in the development and growth of our country. Through the years, the Bohol Chronicle Radio Corporation has exemplified this role, specially in every crisis – be it a ravaging typhoon or a massive earthquake, giving the much needed updates and information to the people, and connecting their concerns with the appropriate government authorities.

It is therefore imperative that the continuation of this kind of public service be given the states imprimatur, and support.

In view of the foregoing, approval of this bill is earnestly requested.


Arthur C. Yap
Representative

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HOUSE BILL NO. **5504**

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AN ACT RENEWING THE FRANCHISE GRANTED TO THE BOHOL
CHRONICLE RADIO CORPORATION TO CONSTRUCT, MAINTAIN AND
OPERATE RADIO BROADCASTING STATIONS IN THE PHILIPPINES
UNDER REPUBLIC ACT NUMBERED SEVENTY SIX HUNDRED AND
THIRTY FOUR TO ANOTHER TWENTY-FIVE YEARS FROM THE DATE
OF APPROVAL OF THIS ACT

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

Section 1. Renewal of Franchise. – The franchise of Bohol Chronicle Radio Corporation, its successors and assigns, hereinafter referred to as grantee, to the construct, maintain and operate radio broadcasting stations in the Philippines under Republic Act Numbered Seventy Six Hundred Thirty Four, is hereby renewed to another twenty-five years from the date of approval of this Act.

Section 2. Parity Clause. – In the event any competing individual, partnership or corporation has received or shall receive from the Congress of the Philippines a similar franchise containing in any term or terms more favorable than those herein granted or tending to place the herein grantee at any disadvantage then such term or terms shall ipso facto become a part of the terms hereof and shall operate equally in favor of the grantee as in the case of said competing individual, partnership or corporation.

Section 3. Manner of Operation of Stations or Facilities. – The stations 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 the other existing stations or stations which may be established by law.

Section 4. Prior Approval of the National Telecommunications Commission. – The grantee shall secure from the National Telecommunications Commission the appropriate permits and licenses for its stations and shall not use any frequency in the radio/television spectrum without having been authorized by the Commission. The Commission, however, shall not unreasonably withhold or delay the grant of any such authority.

Section 5. Responsibility of the Public. – The grantee shall provide reasonable public service time to enable the Government, through the said broadcasting stations, to reach the population on important public issues; provide at all times sound and balanced programming; promote public participation such as in community programming; assist in the functions of public information and education; conform to the ethics of honest enterprise; and not use its stations 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 assists in subversive or treasonable acts.

Section 6. Right of Government. – The President of the Philippines, in times of rebellion, public peril, calamity, emergency, disaster or disturbance of peace and order, may temporarily take over and operate the stations of the grantee, temporarily suspend the operation of any station in the interest of public safety, security, public welfare, or 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 during the period when they shall be so operated.

Section 7. Tax Provisions. – The grantee, its successors or assigns shall be liable to pay the same taxes on their real estate, buildings and personal property, exclusive of this franchise, as other persons or corporations which are now or hereafter may be required by law to pay. In addition thereto, the grantee, its successors or assigns shall pay a franchise tax equivalent to three percent (3%) of all gross receipts of the radio/television business transacted under this franchise by the grantee, its successors or assigns and the said percentage shall be in lieu of all taxes on this franchise or earnings thereof; provided, that the grantee, its successors or assigns shall continue to be liable for income taxes payable under the National Internal Revenue Code.

The grantee shall file the return with and pay the tax due thereon to the Commissioner of Internal Revenue or his duly authorized representative in accordance with the National Internal Revenue Code and the return shall be subject to audit by the Bureau of Internal Revenue.

Section 8. Self-regulation by and Undertaking of Grantee. – The grantee shall not require any previous censorship of any speech, play, act, scene or such other matter to be broadcast and/or telecast from its stations; but if any such speech, play, act, scene or such other matter should constitute a violation of the law or infringement of a private right, the grantee shall be free from liability, civil or criminal, for such speech, play, act, scene or such other matter; provided, that the grantee, during any broadcast or telecast, shall cut off from the air the speech, play, act, scene or such 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 hereof is indecent or immoral; and willful failure to do so shall constitute a valid cause for the cancellation of this franchise.

Section 9. Warranty in Favor of National and Local Governments. – 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.

Section 10. Sale, Lease, Transfer, Usufruct, etc. – The grantee shall not lease, transfer, grant the usufruct of, sell or assign this franchise or the rights and privileges acquired thereunder to any person, firm, company, corporation or entity, nor merge with any other corporation or entity without the prior approval of the Congress of the Philippines. Neither shall the controlling interest in the grantee be transferred, whether as a whole or in parts and whether simultaneously or contemporaneously, to any such private person, firm, company, corporation or entity without the prior approval of the Congress of the Philippines. Any person to which this franchise is validly sold, transferred or assigned shall be subject to all the same conditions, terms, restrictions and limitations of this Act.

Section 11. Renewal of the Franchise. – The term of the franchise granted under Republic Act No. 7634 is hereby renewed to another twenty-five (25) years from the date of effectivity 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 that may hereafter be enacted.

Section 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.

Section 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.

Section 15. Reportorial Requirements. – The grantee shall submit a report to the Congress of the Philippines on its compliance with the terms and conditions of this franchise and on its operations.

Section 16. Effectivity Clause. – This Act shall take effect fifteen (15) days from the date of its publication in at least two (2) newspapers of general circulation in the Philippines.

Approved.