

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6429



Introduced by Rep. Anthony M. Bravo

EXPLANATORY NOTE

This bill seeks to renew the Legislative Franchise granted to Andres Bonifacio College Broadcasting System, Inc. on July 15, 1995.

Republic Act 8120 hereby granted a franchise to construct, maintain, and operate radio and television broadcasting stations in the island of Mindanao for educational, scientific and cultural as well as for economic purposes. Andres Bonifacio Broadcasting System, Inc. has been a long-time partner of the state in disseminating vital day to day information to the people and rendering public service, inherent in and among broadcast media networks.

The renewal of this franchise needed for its continuous operation will not only be an aid to the nation's cultural and social aspect but also to its economic facet through the grantee's contribution to the government in terms of taxes and fees.

Hence, the passage of this bill is earnestly sought.


REP. ANTHONY M. BRAVO

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HOUSE BILL NO. _____

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AN ACT
RENEWING THE FRANCHISE GRANTED TO ANDRES BONIFACIO
COLLEGE BROADCASTING SYSTEM, INC., UNDER REPUBLIC ACT NO.
8120 ENTITLED "AN ACT GRANTING THE ANDRES BONIFACIO
COLLEGE BROADCASTING SYSTEM INC., A FRANCHISE TO
CONSTRUCT, INSTALL, OPERATE AND MAINTAIN RADIO
BROADCASTING STATIONS AND STATIONS FOR TELEVISION IN THE
ISLAND OF MINDANAO FOR EDUCATIONAL, CULTURAL AND
COMMERCIAL PURPOSES" TO ANOTHER TWENTY FIVE (25) YEARS

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

SECTION 1. Nature and Scope of Franchise. – Subject to the provisions of the 1987 Philippine Constitution and applicable laws, rules and regulations, the franchise granted to Andres Bonifacio College Broadcasting System, Inc., hereunder referred to as the grantee, its successors or assignees, under Republic Act No. 8120 entitled "*An Act Granting the Andres Bonifacio College Broadcasting System, Inc. a Franchise to Construct, Install, Operate and Maintain Radio Broadcasting Stations and Stations for Television in the Island of Mindanao for Educational, Cultural and Commercial Purposes*" is hereby renewed for another twenty-five (25) years from the effectivity of this Act.

SECTION 2. Manner of Operation of Stations and Facilities. - The stations or facilities of the grantee shall be constructed and operated in a manner as will, at most, result only to the 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 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 its stations and shall not use any frequency in the radio or television spectrum without having been authorized by the Commission.

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, promote public participation, assist in the functions of public information and knowledge. The grantee shall conform to the ethics of honest enterprise and shall not use its stations for the broadcasting of obscene and indecent language, speech, act or scene, or for the dissemination of deliberately false information or willful misrepresentation/disinformation, 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 time of war, rebellion, public peril, calamity, emergency, disaster or serious 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 said stations or facilities during the period when they shall be so operated.

SECTION 6. Term of Franchise. – This franchise shall be for a term of twenty five (25) years, unless sooner revoked or cancelled. In the event that grantee fails to operate continuously for two (2) years, this franchise shall be deemed ipso facto revoked.

SECTION 7. Acceptance and Compliance.- Acceptance of this franchise shall be given in writing to the Congress of the Philippines, through the Committee on Legislative Franchise of the House of Representatives and the Committee on Public Services of the Senate within sixty (60) days from the effectivity of this Act. Upon giving such acceptance, the grantee shall

exercise the privileges granted under this Act. Non-acceptance shall render the franchise void.

SECTION 8. Warranty in Favor of National and Local Government. – 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 9. Sale, Lease, Transfer, Usufruct or Assignment of Franchise.- The grantee shall not lease, transfer, grant the usufruct of, sell nor assign this franchise or to the rights and privileges acquired thereunder to any person, firm, company, corporation or other commercial or legal entity, nor shall the controlling interest of the grantee be transferred to any such private 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 all the same conditions, terms, restrictions, and limitations of this Act.

SECTION 10. 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 11. Equality Clause. - Any advantage, favor, privilege, exemption or immunity granted under existing franchises or which may hereafter be granted for radio broadcasting upon prior review and approval of Congress, shall 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 or the type of service authorized by the franchise. Provided further, that the foregoing shall not apply to sale, lease, transfer or grant of usufruct of legislative franchise with prior congressional approval.

SECTION 12. Separability Clause. – If any of the sections or provision of this Act is held invalid, all other provisions not affected thereby shall remain valid.

SECTION 13. Repealing 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.

SECTION 14. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

APPROVED,