

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
Second Regular Session
HOUSE BILL NO. **7129**



Introduced by HONORABLE MARK. O GO

EXPLANATORY NOTE

As enshrined in the Constitution, the State recognizes the vital role of communication and information in nation-building and the indispensable role of the private sector.

This bill seeks to renew the franchise granted to Mountain Province Broadcasting Corporation (MPBC) for another twenty-five (25) years.

Mountain Province Broadcasting Corporation (MPBC) is a stock corporation established in 1965 by the Missionaries of the Immaculate Heart of Mary (CICM) which aims to provide religious and educational regular programs to the Cordillera Region.

Republic Act No. 8164 granted the MPBC a franchise to construct, install, maintain and operate in the Philippines ground satellite terminal stations for telecommunication with satellite facilities and delivery of common carriers.

Known as the only "Country FM in the Philippines," MPBC caters religious, inspirational folk, and soft rock genre. It continues to serve its listeners by providing news and information, religious programs as well as radio dramas. To date, it operates AM station DZWT 540 and FM station DZWR 99.9.

Technological advances over the years, specifically in telecommunications, has changed the landscape of communication. Granting MPBC another twenty-five years to operate would be a recognition of its contribution in nation building as it continue to provide information and entertainment to the people of Cordillera. Extending its franchise would likewise ensure uninterrupted services in the area of telecommunications.

Hence, the approval of this bill is earnestly sought.


MARK O. GO

its telecommunications systems/facilities. The grantee shall not use any frequency in the radio spectrum without authorization from the NTC. Such certificate shall state the areas covered and date the grantee shall commence the service. The NTC, however, shall not unreasonably withhold or delay the grant of any such authority, permits or licenses.

SEC. 4. Responsibility to the Public.- The grantee shall provide adequate 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; 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, speech, act, 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.

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

SEC. 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. Non- acceptance shall render the franchise void.

SEC. 8. Self-regulation by and Undertaking of Grantee.- The grantee shall not require any previous censorship of any speech, play, act, 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, 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; and willful failure 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, 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.

SEC. 10. Sale, Lease, Transfer, Usufruct, or Assignment of Franchise.- The grantee shall not sell, lease, transfer, grant the usufruct of, 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 the controlling interest of the grantee be transferred, whether as a whole or in parts, and whether simultaneously or contemporaneously, to any such person, firm, company, corporation, or entity without the prior approval of the Congress of the Philippines. *Provided*, that such transfer, sale or issuance is in accordance with any applicable constitutional limitation. *Provided further*, that 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.

SEC. 11. General Broadcast Policy Law. - The grantee shall comply with a general broadcast policy law which Congress 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 terms of its franchise. The reportorial compliance certificate issued by Congress shall be required before any application for permit or certificate is accepted by the NTC.

SEC. 13. Penalty Clause. - Failure of the grantee to submit the requisite annual report to Congress shall be penalized by a fine of Five Hundred Pesos (500.00) per working day of non-compliance. The fine shall be collected by the NTC from the delinquent franchise grantee separate from the reportorial penalties imposed by the NTC.

SEC. 14. Equality Clause. - Except for taxes and customs duties, 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*, that the foregoing shall neither apply to nor affect the provisions of broadcasting franchises concerning territorial coverage, the term, or the type of service authorized by the franchise.

SEC. 15. Separability Clause. - If any of the sections or provisions of this Act is held invalid, all other provisions not affected thereby shall remain valid.

SEC. 16. 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 privilege herein provided for.

SEC. 17. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,