

Republic of the Philippines
House of Representatives
Batasan Hills, Quezon City



SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 8000

Introduced by Congressman **MICHAEL L. ROMERO, PhD.**

EXPLANATORY NOTE

The bill seeks to renew the franchise of Baganian Broadcasting Corporation (BBC) for another Twenty-Five (25) years. BBC was first granted franchise on July 28, 1997 by virtue of Republic Act No. 8451.

The purpose of its establishment is to put up communication facilities that would promote the growth of the individuals economically, socially and politically by bringing these inhabitants of this state or Republic closer and more informed.

BBC is now operating through frequencies of 756 Khz for Amplified Modulation (DXBZ) and 106.3 Mhz for Frequency Modulation (DXCA). Both radio stations are serving the locals of Western, Northern and Central areas of Mindanao.

The renewal of franchise of BBC will allow it to continue serving Mindanao and its people. It is through communication facilities that we help keep our people participate in our democratic system and be part of the mainstream society by providing them news, information and public affairs. It is also our vehicle to progress.

I then seek for the approval of this Bill.


MICHAEL L. ROMERO, PhD.

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AN ACT RENEWING THE FRANCHISE OF BAGANIAN BROADCASTING CORPORATION TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND/OR TELEVISION BROADCASTING STATIONS THROUGHOUT THE PHILIPPINES WHERE FREQUENCIES/CHANNELS ARE STILL AVAILABLE FOR RADIO AND/OR TELEVISION BROADCASTING

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 the Baganian Broadcasting Corporation, hereunder referred to as the grantee, its successors and/or assigns, a franchise to construct, install, establish, operate and maintain for commercial purposes and in the public interest, radio and/or television broadcasting stations throughout the Philippines where frequencies/channels are still available for radio and/or television broadcasting, with the corresponding technological auxiliaries or facilities, special broadcast and other program and distribution services and relay stations.

Section 2. Manual 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 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 the availability thereof.

Section 3. Prior Approval of the National Telecommunications Commission. – The grantee shall secure from the National Telecommunications Commission, the appropriate permits and licenses for the construction and operation of its stations and facilities and shall not use 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 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 all the 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 or facilities for broadcasting of obscene and indecent language, speech, and 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.

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 of 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 – The franchise shall be for another 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 (1) year from the approval of its permit by the National Telecommunications Commission;
- b) Operate continuously for two (2) years and
- c) Commence operations within three (3) 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 after 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 favor of the National Telecommunications Commission, which shall determine the amount, to guarantee the compliance with and fulfillment of the conditions under which this franchise is granted. If, after three (3) years from the date of the approval of its permit by the Commission, the grantee shall have fulfilled the same, the bond shall be cancelled by the Commission. Otherwise, the bond shall be forfeited in favor of the government and the franchise *ipso facto* revoked.

Section 9. 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; and willful failure to do so shall constitute a valid cause for the cancellation of this franchise.

Section 10. 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 11. Sale, Lease, Transfer, Usufruct, etc. – 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 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. 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 12. Dispersal of Ownership – In accordance with constitutional provision to encourage public participation in public utilities, the grantee shall offer at least thirty *per centum* (30%) of its outstanding capital stock or a higher percentage that may hereinafter be provided by law in any securities exchange in the Philippines within five (5) years from the time it has achieved the status of a national broadcasting network. A "national broadcasting network" is hereby defined as one that operates three or more radio and/or television stations. Noncompliance therewith shall render the franchise *ipso facto* revoked.

Section 13. 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 14. 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 15. Repealability and Nonexclusivity Clause – This franchise shall be subject to amendment, alteration or repeal by the Congress of the Philippines when public interest so requires and shall not be interpreted as an exclusive grant of the privileges herein provided for.

Section 16. 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 17. Effectivity – 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: