

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Congress

HOUSE BILL NO. 8075



Introduced by HON. CELSO L. LOBREGAT

EXPLANATORY NOTE

Golden Broadcast Professional, Inc. is an existing operator of FM and TV broadcast stations in the Island of Mindanao, as per Republic Act 8025.

In compliance with the policy of the State and as provided for in Article 11 of our Constitution, specifically Section 24, State Policies "the State recognizes the vital role of communications and information in nation building."

Applicant has the necessary licenses to operate DXVR-FM in Davao City; DXEL-FM and DXGM-TV in Zamboanga City, respectively and is continuously in operation of the same to date. It renders its contribution to nation building by the broadcast of quality radio and television programs and information, affecting Zamboanga City and Davao City. It gives out relevant, and updated social information and concerns affecting our country by and through the medium of public information/broadcasting, and social media.

The incorporators are conscious of the fact that social development is reached effectively by and through broadcasting as its medium. Since we are now in the age of advancement in technology and communications, national issues and development can be transmitted to a wider range of coverage and at a very fast pace by these medium and means of social media.

It is therefore respectfully requested that the renewal of this congressional franchise subject of this application be granted so that applicant can continue the operation and maintenance of its radio and television broadcast stations in the Island of Mindanao, specifically in the areas of Davao City and Zamboanga City respectively.


CELSO L. LOBREGAT
Representative
Zamboanga City, 1st District

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Seventeenth Congress
Third Regular Session

House Bill No. 8075

Introduced by **HONORABLE CELSO L. LOBREGAT**

AN ACT
RENEWING THE FRANCHISE GRANTED TO GOLDEN BROADCAST
PROFESSIONAL, INC., UNDER REPUBLIC ACT NO. 8025, ENTITLED
"A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A STATION
FOR FM RADIO AND TELEVISION BROADCASTING IN THE ISLAND OF
MINDANAO, 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 Representative of the Philippines in Congress assembled:

SECTION 1. Nature and Scope of Franchise. - Subject to the provisions of the Constitution, Republic Act No. 3846, entitled "An Act Providing for the Regulation of Radio Stations and Communications in the Philippine Islands, and for Other Purposes," Act No. 3997 known as the Radio Broadcasting Law, and Commonwealth Act No. 146 known as the Public Service Act, and their amendments, the Golden Broadcast Professional, Inc., hereinafter referred to as the "grantee," is hereby granted a franchise for a period of twenty-five (25) years from the approval of this Act, to construct, maintain and operate for commercial purposes and in the public interest, a station for FM radio and television broadcasting in the Island of Mindanao, Republic of the Philippines, at such place as the grantee may select and the National Telecommunications Commission may approve.

SECTION 2. 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 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 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 (NTC) the appropriate permits and licenses for construction and operation of its stations and facilities and shall not use any frequency in the radio/television spectrum without authorization from the NTC. The NTC, 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 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.

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, temporarily suspend the operation of any station or facility in the interest of public safety, security and 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 its 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.* - This franchise shall be in effect for a period of twenty-five (25) years from effectivity of this Act, unless sooner revoked or cancelled. This franchise shall be deemed *ipso facto* revoked in the event the grantee fails to operate continuously for two (2) years.

SECTION 7. *Acceptance and Compliance.* - Acceptance of this new franchise 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 sixty (60) days from 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. 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 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, 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 10. Sale, Lease, Transfer, Grant or Usufruct, or Assignment of Franchise. - 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 other commercial or legal entity, nor merge with any other corporation or entity, nor shall transfer the controlling interest of the grantee., 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. *Provided*. That Congress shall be informed of any sale, lease, transfer, grant of usufruct of, or assignment of franchise or the rights or privileges acquired thereunder, or the merger or transfer of the controlling interest of the grantee, within sixty (60) days after the completion of said transaction. *Provided, further*. That failure to report to Congress such change of ownership shall render the franchise *ipso facto* revoked. *Provided, finally*. 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.

SECTION 11. Dispersal of Ownership. - In accordance with the constitutional provision to encourage public participation in public utilities, the grantee shall offer to Filipino citizens at least thirty percent (30%) or a higher percentage that may hereafter be provided by law of its outstanding capital stock in any securities exchange in the Philippines within five (5) years from the commencement of its operation. *Provided*. That in cases where public offer of shares is not applicable, establishment of cooperatives and other methods of encouraging public participation by citizens and corporations operating public

utilities must be implemented. Nonacceptance therewith shall render the franchise *ipso facto* revoked.

SECTION 12. 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 13. 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 representative 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 its franchise. The reportorial compliance certificate issued by Congress shall be required before any application for permit or certificate is accepted by the NTC.

SECTION 14. Penalty Clause. - Failure of the grantee to submit the requisite annual report to Congress will be penalized by a fine in the amount of Five Hundred Pesos (P500.00) per working day of noncompliance. The fine will be collected by the NTC from the delinquent franchise grantee separate from the reportorial penalties imposed by the NTC.

SECTION 15. Equality Clause. - Any advantage, favor, privilege, exemption, or immunity, granted under existing franchises, or which may hereafter be granted for radio and/or television 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 territory covered by such franchise, the life span of the franchise or the type of service authorized by the franchise.

SECTION 16. Separability Clause. - If any of the sections or provisions of this Act is held invalid, all other provisions not affected thereby shall remain valid.

SECTION 17. Repealability and Nonexclusivity 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 18. 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,