

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH (17TH) CONGRESS
HOUSE BILL NO. 8617



Introduced by Representative CECILIA LEONILA V. CHAVEZ

EXPLANATORY NOTE

This legislative measure seeks to renew the congressional franchise of **FBS RADIO NETWORK INC.** to construct, install, establish, operate and maintain radio and television broadcasting stations throughout the Philippines.

Media has always been a partner of the government in nation building and FBS Radio with its flagship station 94.7 Mellow, more popularly known through its previous Radio Name, 94.7 Mellow Touch, has been at the forefront of providing media services to the general public. FBS' several provincial stations have allowed the listening public to avail of the free information and entertainment brought about by radio broadcasting. FBS' new radio formats entertain, inform and educate the populace through intelligent and interactive programs.

The continued operation of FBS Radio promotes healthy competition amongst the participants in the industry. This helps businesses wider and lower access to the public dissemination of their products. FBS' main base of operations is in Mandaluyong Metro Manila but has a presence through its provincial stations. The renewal of the franchise will contribute the good of the country as it allows the grantee to contribute to the country through its mass media services.

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PARTY REPRESENTATIVE
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AN ACT
RENEWING THE FRANCHISE GRANTED TO FBS RADIO
NETWORK INC. A FRANCHISE TO CONSTRUCT, INSTALL,
ESTABLISH, OPERATE AND MAINTAIN RADIO AND/OR
TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES

*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 **FBS RADIO NETWORK INC.** hereunder referred to as the grantee, its successors 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 in the Philippines, where frequencies and/or channels are still available for radio broadcasting, through microwave, satellite or whatever means, including the use of any new technologies in radio systems, with the corresponding technological auxiliaries and facilities, special broadcast and other program and distribution services and relay stations.

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 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 the construction and operation of its stations and facilities 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 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, 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 any time after due process.

Section 6. *Term of Franchise.* – This franchise shall be in effect for a period of twenty-five (25) years, 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 operating permit by the NTC;
- (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 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. Bond. – The grantee shall file a bond with the NTC in the amount that the NTC shall determine to guarantee 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 the 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 10. Warranty in Favor of National and Local Governments. – The grantee shall hold the national, provincial, city 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. Non-transferability of Franchise. – 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. The conditions, terms, restrictions and limitations set by this Act shall be imposed on any person or entity to which this franchise is sold, transferred or assigned.

Section 12. Public Ownership - In adherence to the constitutional mandate, the herein grantee shall comply with the enabling law implementing for the purpose the democratization of ownership of all public utilities.

Section 13. Equality Clause. – Any advantage, favor, privilege, exemption or immunity granted under existing franchise, or which may hereafter be granted for radio and/or television broadcasting, shall *ipso facto* 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 concerning territory covered by the franchise, the life span of the franchise or the type of service authorized by the franchise.

Section 14. *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 15. *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 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. *Repeatability 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 for.

Section 18. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication, upon the initiative of the grantee, in at least two (2) newspapers of general circulation in the Philippines.

Approved