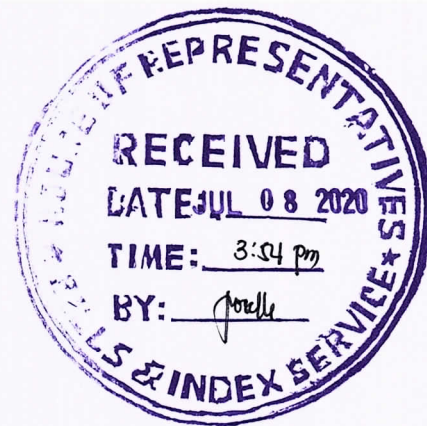


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 7071



Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

AN ACT

**GRANTING THE SOUTHERN LUZON STATE UNIVERSITY A FRANCHISE TO
CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN FOR EDUCATIONAL
AND NON-COMMERCIAL PURPOSES RADIO BROADCASTING STATION WITHIN THE
CAMPUSES OF SOUTHERN LUZON STATE UNIVERSITY**

EXPLANATORY NOTE

Article II, Section 24 of the 1987 Philippine Constitution provides that "The State recognizes the vital role of communication and information in nation-building." Article XVI, Section 10 also declares that "The State shall provide the policy environment for the full development of Filipino capability and the emergence of communication structures suitable to the needs and aspirations of the nation and the balanced flow of information into, out of, and across the country, in accordance with a policy that respects the freedom of speech and of the press."

Indeed, communication and information are essential in facilitating the effective delivery of public services and sustaining the efficient functionalities of various groups and organizations in the society, and are thus, critical to national development, especially in times of crises or public emergencies.

The current COVID-19 pandemic has particularly affected the higher education institutions (HEIs) in the country, which made the Commission on Higher Education (CHED) to allow schools to adopt flexible learning options that reflect the best assessment of their students' outcomes. This is particularly important in light of the UNESCO's assessment of COVID-19 impact on education, which reveals that 3,589,484 students enrolled in various HEIs in the Philippines had been affected by the school closures caused by the pandemic. Overall, there are a total of 28,451,212 affected learners in the country based on the global monitoring of school closures caused by COVID-19¹.

According to an article, the COVID-19 is, for educators, a quintessential adaptive and transformative challenge, one for which there is no pre-configured playbook that can guide appropriate responses and where education leaders must swiftly design responses with specific contexts in mind as the pandemic runs its course.²

Hence, in my capacity as Representative of the 4th District of Quezon and Member of the SLSU Board of Regents, I am supporting the University's move to put into operation its FM station, which has been established as a training facility and laboratory of the BS Electronics and Communication

¹ COVID-19 Impact on Education (<https://en.unesco.org/covid19/educationresponse>) Accessed on 22 June 2020

² Fernando Reimers, Global Education Innovation Initiative, Harvard University, Andreas Schleicher, Organisation for Economic Co-operation and Development, Jaime Saavedra, The World Bank, Saku Tuominen, HundrED, "Supporting the continuation of teaching and learning during the COVID-19 Pandemic Annotated resources for online learning" (<http://www.oecd.org/education/Supporting-the-continuation-of-teaching-and-learning-during-the-COVID-19-pandemic.pdf>) Accessed on 22 June 2020

Engineering and BA Communication students, through this measure that seeks to grant the University a franchise to operate and maintain a radio station.

The franchise, will allow the SLSU to deliver its services to marginalized students who are living in areas without internet connectivity. The franchise to operate a radio station will be part of SLSU's response to the need to device ways to deliver educational services amid the COVID-19 pandemic. It will likewise serve to broaden the University's coverage and capacities as an effective instrument in information dissemination geared largely to promote community development and facilitate better public service.

In view of the foregoing, the approval of this bill is earnestly sought.



ANGELINA "HELEN" D.L. TAN, M.D.
4th District, Quezon

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Be it enacted by the Senate and the 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 Southern Luzon State University, hereunder referred to as the grantee, its successors or assigns, a franchise to construct, install, establish, operate and maintain for educational and noncommercial purposes and in the public interest, radio broadcasting station in Southern Luzon State University, where frequencies are still available for radio broadcasting station 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.

SEC. 2. *Manner of Operation of Station or Facility.* — The station or facility 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.

SEC. 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 station and facility 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.

SEC. 4. *Responsibility to the Public.* — The grantee shall provide adequate public service time to enable the government, through the said broadcasting station or facility, to reach the population on important public issues; provide at all times sound and balanced programming; assist in the function of public information and education; conform to the ethics of honest enterprise; and not use its station or facility 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.

SEC. 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 station or facility 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 station or facility during the period when it shall be so operated.

The radio spectrum is a finite resource that is a 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.

SEC. 6. *Term of Franchise.* — This franchise shall be for a 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 operating permit or provisional authority by the NTC;

(b). Operate continuously for two (2) years; and

(c). Commence operations within three (3) years from the effectivity of this Act.

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 privilege granted under this Act. Nonacceptance shall render the franchise void.

SEC. 8. *Bond.* — The grantee shall file a bond issued in favor of the NTC, 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.

SEC. 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 station: *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.

SEC. 10. *Obligation of Grantee.* — Any person aggrieved by any remark, report, statement, commentary or the like by broadcasters using the same facility of the grantee shall have the right to reply in the same program or any other program the aggrieved party may choose.

SEC. 11. *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.

SEC. 12. *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 the same conditions, terms, restrictions and limitations of this Act.

SEC. 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.

SEC. 14. *Equality Clause.* — Any advantage, favor, privilege, exemption, or immunity granted under existing franchises, or may hereafter be granted, shall *ipso facto* become part of previously granted telecommunications franchises and shall be accorded immediately and unconditionally to the grantees of such franchises: *Provided, however, That* the foregoing shall neither apply to nor affect provisions of telecommunications franchises concerning territory covered by the franchise, the life-span

of the franchise, 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 the other provisions not affected thereby shall remain valid.

SEC. 16. *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 for.

SEC. 17. *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.

SEC. 18. *Effectivity.* — This Act shall take effect fifteen (15) days from the date of its publication, upon the initiative of the grantee, in at least two (2) newspapers of general circulation in the Philippines.