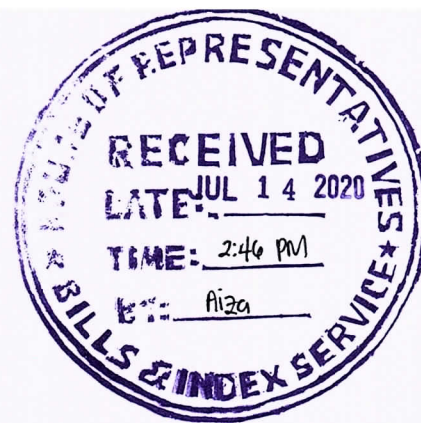


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7097



Introduced by HON. ALETA C. SUAREZ

EXPLANATORY NOTE

Article XIV, Section 1 of the 1987 Constitution states that, "*The State shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all.*" In cognizance of this right to quality education, the Southern Luzon State University (the "University") is mandated by Republic Act No. 9395 to provide advanced education, professional, technological instruction to its clients—the students. Likewise, the University serves as a vital tool in shaping the future through its researches and extension services.

As the only state university in Quezon Province, the Southern Luzon State University has forty-eight (48) program offerings and caters to nearly seven thousand (7,000) students coming from different towns in Quezon and Laguna. Among the programs offered by the University are Bachelor of Arts in Communication and Bachelor of Science in Electronics Communications Engineering. The Commission on Higher Education mandates these programs to have radio broadcasting as part of their laboratory classes. Hence, the installation, establishment, and operation of a radio broadcasting station in the University shall facilitate the achievement of this outcome-based education. The University has faculty members who are engineers and media lecturers capable and competent to operate radio broadcasting stations.

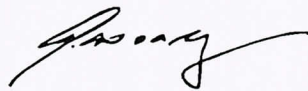
Given the state of public health emergency in the country due to COVID-19 pandemic, education is one of the sectors greatly affected by this crisis. Educational institutions are constrained to find and utilize new modalities, such as online teaching, to continue delivering quality education to its students. However, using digital platforms only highlighted the divide in economic status and the poor accessibility and unavailability of telecommunications services in various geographic locations in the province. The survey conducted among students of Southern Luzon State University showed that very few students have suitable gadgets for online learning. In addition, it

was reported that only sixty-eight percent (68%) of the barangays in Quezon Province has Cellular Mobile Telephone Service (CMTS) while only fifty percent (50%) have broadband connectivity. Hence, the need to explore other modalities arises. In line with this, the University proposes the use of radio broadcasting as an alternative mode of instruction to the students and, as an ancillary purpose, to serve as a medium for public information, disaster prevention, and relief operation to its students and community as a whole.

The University, in order to legally operate and maintain a radio broadcasting station, must have a legislative franchise of its own. As of this date, the University has none.

Thus, this bill seeks the grant of a franchise to install, establish, operate, and maintain radio broadcasting stations for educational, commercial, and other purposes to the Southern Luzon State University. Once passed and enacted into law, the franchise will provide the University with the capability to fully and extensively deliver its services to its clients and other stakeholders, as a response to the limitations imposed during this time of pandemic. It shall also promote efficient communication of vital information to the public in general.

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



ALETA C. SUAREZ

Representative

Third District, Quezon Province

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7097

Introduced by HON. ALETA C. SUAREZ

1 AN ACT

2 GRANTING THE SOUTHERN LUZON STATE UNIVERSITY A FRANCHISE TO
3 CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN RADIO
4 BROADCASTING STATIONS IN THE MAIN CAMPUS OR IN ANY OF ITS
5 SATELLITE CAMPUSES FOR EDUCATIONAL, COMMERCIAL, AND OTHER
6 PURPOSES

7 *Be it enacted in the Senate and House of Representatives of the Philippines in Congress assembled:*

8 SECTION 1. *Nature and Scope of Franchise.* – Subject to the provisions of the
9 Constitution and applicable laws, rules, and regulations, there is hereby granted to
10 Southern Luzon State University, hereunder referred to as the Grantee, its successors or
11 assignees, a franchise to construct, install, establish, operate, and maintain for educational
12 and commercial purposes and in the public interest, radio broadcasting stations through
13 microwave, satellite, terrestrial, or whatever means, including the use of any new
14 technologies in radio systems, with corresponding technological auxiliaries and facilities,
15 special broadcast and other program and distribution services and relay stations in the
16 entire Province of Quezon.

17 SECTION 2. *Manner of Operation of Facilities.* – The stations or facilities of the
18 Grantee shall be constructed and operated in a manner as will, at most result only in
19 minimum interference on the wavelengths or frequencies of existing stations or other
20 stations, which may be established by law, without in any way diminishing its own right
21 to use its selected wavelength or frequencies and the quality of transmission or reception
22 thereon as should maximize rendition of the Grantee's service and/or availability thereof.

23 SECTION 3. *Prior Approval of the National Telecommunications Commission.* –
24 The Grantee shall secure from the National Telecommunications Commission (the
25 "Commission") the appropriate permits and licenses for the construction and operation
26 of its stations and facilities and shall not use any frequency in the radio section without

27 having been authorized by the Commission. The Commission, however, shall not
28 unreasonably withhold or delay the grant of any such authority.

29 **SECTION 4. *Responsibility to the Public.*** – The Grantee shall provide, free of
30 charge, adequate public service time, which is reasonable and sufficient to enable the
31 government, local, regional, and national, through the said broadcasting stations or
32 facilities of the Grantee to reach the pertinent populations or portions thereof, on
33 important public issues and relay public announcements and warnings concerning public
34 emergencies and calamities, as necessity, urgency, or law may require; assist in the
35 functions of education and public information; conform to the ethics of honest enterprise;
36 promote audience sensibility and empowerment through, but not limited to, closed
37 captioning; and not use its stations or facilities for the broadcasting of obscene or indecent
38 language, speech, act or scene; or for the dissemination of deliberately false information
39 or willful misrepresentation, to the detriment of public interest; or to incite, encourage or
40 assist in the subversive or treasonable acts.

41 **SECTION 5. *Right of Government.*** – The radio spectrum is a finite resource that is
42 part of the National Patrimony and the use thereof is a privilege conferred upon the
43 grantee by the State and may be withdrawn anytime after due process.

44 A special right is hereby reserved to the President of the Philippines, in times of
45 war, rebellion, public peril, calamity, emergency, disaster, or disturbance of peace and
46 order, to temporarily take over and operate stations or facilities of the Grantee; to
47 temporarily suspend the operation of any station or facility in the interest of public safety,
48 security and public welfare or to authorize the temporary use and operation thereof by
49 any agency of the government.

50 **SECTION 6. *Term of Franchise.*** – This franchise shall be in effect for a period of
51 twenty-five (25) years from the approval of this Act, unless sooner revoked or cancelled.
52 This franchise shall be deemed *ipso facto* revoked in the event the Grantee fails to comply
53 with any of the following conditions:

54 (a) Commence operations within one (1) year from the approval of its operating
55 permit by the Commission;

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

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

58 **SECTION 7. *Acceptance and Compliance.*** – Acceptance of this franchise shall be
59 given in writing within sixty (60) days from the effectivity of this Act. Upon giving such
60 acceptance, the Grantee shall exercise the privileges granted under this Act. Non-
61 acceptance shall render the franchise void.

62 **SECTION 8. *Bond.*** – The Grantee shall not be required to post a bond in favor of
63 the Commission being a state university. However, non compliance and fulfillment of the
64 conditions set forth in the franchise within three (3) years shall render the franchise *ipso*
65 *facto* revoked.

66 **SECTION 9. *Self-Regulation by and Undertaking of Grantee.*** – The Grantee shall
67 not require any previous censorship of any speech, play, act or scene, or other matter to
68 be broadcast from its stations, but if any such speech, play, act or scene, or other matter
69 should constitute a violation of the law or infringement of a private right, the Grantee
70 shall be free from any liability, civil or criminal, for such speech, play, act or scene, or
71 other matter provided that the Grantee, during any broadcast shall cut off the airing of
72 speech, play, act or scene or other matter being broadcast if the tendency thereof is to
73 propose and/or incite treason, rebellion or sedition, or the language used therein on the
74 theme thereof is indecent or immoral; provided further, that willful failure to do so shall
75 constitute a valid cause for the revocation or cancellation of this franchise.

76 **SECTION 10. *Sale, Lease, Transfer, Grant of Usufruct, or Assignment of***
77 ***Franchise.*** – The Grantee shall not sell, lease, transfer, grant the usufruct of, nor assign
78 this franchise or the rights and privileges acquired hereunder to any person, firm,
79 company, corporation, or other commercial or legal entity without the prior approval of
80 the Congress of the Philippines and compliance with legal requirements stipulated in
81 other statutes.

82 **SECTION 11. *Renewal, Extension, or Revocation of Franchise.*** – The Grantee shall
83 apply for the renewal or extension of its franchise five (5) years before its expiration date,
84 which shall be reckoned fifteen (15) days after the publication of the franchise in the
85 *Official Gazette* or in a newspaper of general circulation, whichever comes earlier.

86 This franchise may be revoked by Congress when the public interest so requires or
87 when the Grantee fails to reasonably comply with regulatory standards.

88 **SECTION 12. *Commitment to Provide Trainings and Promote Quality Education***
89 ***for All.*** – The Grantee shall provide livelihood trainings on air that may create
90 employment opportunities and shall allow on-the-job trainings in their operation;
91 *Provided*, that priority shall be accorded to the students of the Grantee; *Provided finally*,
92 that the Grantee shall follow applicable Civil Service rules and regulations and other
93 similar issuances.

94 **SECTION 13. *Reportorial Requirement.*** – The Grantee shall submit an annual
95 report to the Congress of the Philippines, through the Committee on Legislative
96 Franchises of the House of Representatives and the Committee on Public Services of the
97 Senate, on its compliance with the terms and conditions of the franchise and on its
98 operations on or before April 30 of every year during the term of its existence.

99 **SECTION 14. *Applicability of Existing Laws.*** – The Grantee shall comply with
100 and be subject to the provisions of Commonwealth Act No. 146, otherwise known as the
101 “Public Service Act”, as amended.

102 **SECTION 15. *Repealability and Non-exclusivity Clause.*** – This franchise shall be
103 subject to amendment, alteration, or repeal by the Congress of the Philippines when the
104 public interest so requires and shall not be interpreted as an exclusive grant of the
105 privileges herein provided for.

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

108 **SECTION 17. *Repealing Clause.*** – All laws, decrees, orders, resolutions,
109 instructions, and rules and regulations or parts thereof which are inconsistent with this
110 Act are hereby deemed repealed or modified.

111 **SECTION 18. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
112 publication in the *Official Gazette* or in a newspaper of general circulation.

113 Approved,