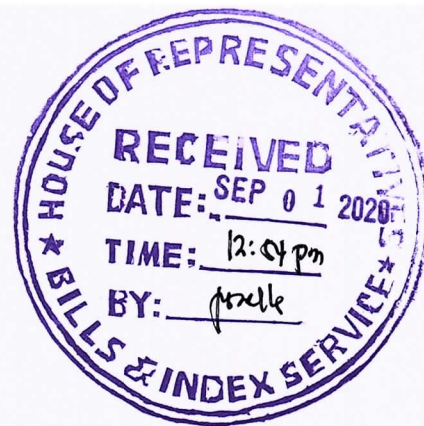


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7560



Introduced by

HON. WILTER "SHARKY" WEE PALMA II

AN ACT

RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO TIMES BROADCASTING NETWORK CORPORATION, AMENDING FOR THAT PURPOSE REPUBLIC ACT 8152 ENTITLED "AN ACT GRANTING THE TIMES BROADCASTING NETWORK CORPORATION A FRANCHISE TO ESTABLISH, CONSTRUCT, INSTALL, MAINTAIN AND OPERATE RADIO AND TELEVISION BROADCASTING STATIONS WITHIN THE PHILIPPINES AND FOR OTHER PURPOSES"

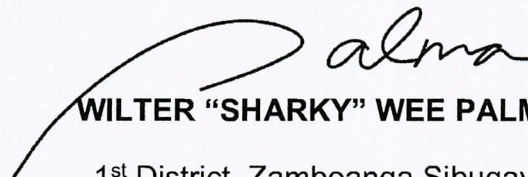
EXPLANATORY NOTE

This bill seeks to renew the franchise granted to Times Broadcasting Network Corporation under Republic Act No. 8152 which took effect on September 4, 1995.

Herein grantee seeks the kind understanding of Congress for initiating the renewal process much later than would have been expected given the considerable time required to pursue the legislative process, including public hearings and conferences in both Houses of Congress. Indeed, the current Covid-19 way of doing business has upended the ability to gather papers and regulatory clearances of most establishments – and grantee cites such hardships not only in its regular operations but also in going about securing needed documents due to the varied community quarantine protocols imposed all over the country.

Times Broadcasting Network Corp. was a pioneering radio station initially operating only in Ozamiz City broadcasting in the AM and FM bands, but later on branching out to other cities in the Zamboanga Peninsula such as Pagadian and Dipolog, and recently in several cities in Central Visayas. For the past twenty five (25) years, Times Broadcasting Network Corp. had been an active State partner in promoting growth and development through equal access to information and communication. This was more telling particularly in grantee's areas of operation where limited engagement by other actors made radio broadcast a vital tool in disseminating news and truthful advertising. Ever mindful of this responsibility and challenge, the grantee has been steadfast in providing quality broadcasting and espousing well-balanced programming in the Visayas and Mindanao areas.

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



WILTER "SHARKY" WEE PALMA II
1st District, Zamboanga Sibugay

1 Republic of the Philippines
2 **HOUSE OF REPRESENTATIVES**
3 Quezon City

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16 **AN ACT**

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18 **RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE**
19 **GRANTED TO TIMES BROADCASTING NETWORK CORP., AMENDING FOR THAT**
20 **PURPOSE REPUBLIC ACT 8152 ENTITLED “AN ACT GRANTING THE TIMES**
21 **BROADCASTING NETWORK CORPORATION A FRANCHISE TO ESTABLISH,**
22 **CONSTRUCT, INSTALL, MAINTAIN AND OPERATE RADIO AND TELEVISION**
23 **BROADCASTING STATIONS WITHIN THE PHILIPPINES AND FOR OTHER**
24 **PURPOSES”**
25
26

27 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
28 *assembled:*

29 **SECTION 1. *Nature and Scope of Franchise.***— Subject to the provisions of the
30 Constitution and applicable laws, rules and regulations, the franchise granted to Times
31 Broadcasting Network Corporation, hereunder referred to as the grantee, its successors
32 or assignees, under Republic Act No. 8152, entitled “An act granting the Times
33 Broadcasting Network Corporation a franchise to establish, construct, install, maintain
34 and operate radio and television broadcasting stations within the Philippines and for other
35 purposes” is hereby renewed for another twenty-five (25) years from the date of effectivity
36 of this Act, with the corresponding technological auxiliaries or facilities, special broadcast
37 and other program and distribution services and relay stations, and to install radio
38 communication facilities for the grantee’s private use in its broadcast services.

39 **SECTION 2. *Manner of Operation of Stations.***— The stations or facilities of the grantee
40 shall be constructed and operated in a manner as will at most result only in the minimum

41 interference on the wavelengths or frequencies of the other existing station or stations
42 which may be established by law without in any way diminishing its own right to use its
43 selected wavelengths or frequencies and the quality of transmission or reception thereon
44 as would maximize rendition of the grantee's services and/or the availability thereof.

45 **SECTION 3. *Prior Approval of the National Telecommunications Commission.***— The
46 grantee shall secure from the National Telecommunications Commission the appropriate
47 permits and licenses for its stations and shall not use any frequency in the radio/television
48 spectrum without having been authorized by the Commission. The Commission,
49 However, shall not unreasonably withhold or delay the grant of any such authority.

50 **SECTION 4. *Responsibility of the Public.***— The grantee shall provide adequate public
51 service time to enable the government, through the said broadcasting stations, to reach
52 the population on important public issues; provide at all times sound and balanced
53 programming; assist in the functions of public information and education; conform to the
54 ethics of honest enterprise, and not use its stations for the broadcasting of obscene and
55 indecent language, speech, act or scene, or for the dissemination of deliberately false
56 information or willful misrepresentation. or to the detriment of the public interest or to
57 incite, encourage, or assist in subversive or treasonable acts.

58 **SECTION 5. *Right of Government.***— A special right is hereby reserved to the President
59 of the Philippines, in times of war, rebellion, public peril, calamity, emergency, disaster or
60 disturbance of peace and order, to temporarily take over and operate the station of the
61 grantee, to temporarily suspend the operation of any station in the interest of public safety,
62 security and public welfare, or to authorize the temporary use and operation thereof by
63 any agency of the government, upon due compensation to the grantee, for the use of said
64 stations, transmitter systems, facilities and equipment during the period when they shall
65 be so operated.

66 **SECTION 6. *Term of Franchise.***— This franchise shall be for a term of twenty-five (25)
67 years from the date of approval of this Act, unless sooner revoked or cancelled. In the
68 event the grantee fails to operate continuously for two (2) years, this franchise shall be
69 deemed ipso facto revoked.

70 **SECTION 7. *Acceptance and Compliance.***— Acceptance of this new franchise shall be
71 given in writing to the Congress of the Philippines, through the Committee on Legislative

72 Franchises of the House of Representatives and the Committee on Public Services of the
73 Senate, within sixty (60) days from the effectivity of this Act. Upon giving such acceptance,
74 the grantee shall exercise the privileges granted under this Act. Non-acceptance shall
75 render the franchise void.

76 **SECTION 8. *Self-regulation by and Undertaking of Grantee.*** – The grantee shall not
77 require any previous censorship of any speech, play, act or scene, or other matter to be
78 broadcast from its stations: *Provided*, That the grantee, during any broadcast, shall cut
79 off from the air the speech, play, act or scene, or other matter being broadcast if the
80 tendency thereof is to propose and/or incite treason, rebellion, sedition; or the language
81 used therein or the theme thereof is indecent or immoral: *Provided, further*, That wilful
82 failure to do so shall constitute a valid cause for the cancellation of this franchise.

83 **SECTION 9. *Warranty in Favor of National and Local Governments.***— The grantee shall
84 hold the national, provincial and municipal governments of the Philippines free from all
85 claims, accounts, demands or actions arising out of accidents or injuries, whether to
86 property or to persons, caused by the construction or operation of the station of the
87 grantee.

88 **SECTION 10. *Sale, Lease, Transfer, Grant of Usufruct, or Assignment of***
89 ***Franchise.***— The grantee shall not lease, transfer, grant the usufruct of, sell nor assign
90 this franchise or the rights and privileges acquired thereunder to any person, firm,
91 company, corporation or other commercial or legal entity, nor shall the controlling interest
92 of the grantee be transferred to any such private person, firm, company, corporation or
93 entity without the prior approval of the Congress of the Philippines: *Provided*, That
94 Congress shall be informed of any sale, lease, transfer, grant of usufruct of, or assignment
95 of franchise or the rights or privileges acquired thereunder, or the merger or transfer of
96 the controlling interest of the grantee, within sixty (60) days after the completion of said
97 transaction: *Provided, further*, That failure to report to Congress such change of
98 ownership shall render the franchise *ipso facto* revoked: *Provided, finally*, That any
99 person or entity to which this franchise is sold, transferred or assigned, shall be subject
100 to the same conditions, terms, restrictions, and limitations of this Act.

101 **SECTION 11. *Dispersal of Ownership.***— In accordance with the constitutional provision
102 to encourage public participation in public utilities, the grantee shall offer to Filipino citizen
103 at least thirty per cent (30%) or a higher percentage that may hereafter be provided by

104 law of its outstanding capital stock in any securities exchange in the Philippines within
105 five (5) years from the commencement of its operations: *Provided*, That in cases where
106 public offer of shares is not applicable, establishment of cooperatives and other methods
107 of encouraging public participation by citizens and corporations operating public utilities
108 must be implemented. Noncompliance therewith shall render the franchise *ipso facto*
109 revoked.

110 **SECTION 12. General Broadcast Policy Law.**— The grantee shall comply with a general
111 broadcast policy law which Congress may hereafter enact.

112 **SECTION 13. Reportorial Requirement.**— The grantee shall submit an annual report to
113 the Congress of the Philippines, through the Committee on Legislative Franchises of the
114 House of Representatives and the Committee on Public Services of the Senate, on its
115 compliance with the terms and conditions of the franchise and on its operations on or
116 before April 30 of every year during the term of its franchise. The reportorial compliance
117 certificate issued by Congress shall be required before any application for permit or
118 certificate is accepted by the NTC.

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

123 **SECTION 15. Equality Clause.**— Any advantage, favour, privilege, exemption, or
124 immunity granted under existing franchises, or which may hereafter be granted for radio
125 and/or television broadcasting, upon prior review and approval of Congress, shall become
126 part of this franchise and shall be accorded immediately and unconditionally to the herein
127 grantee: *Provided*, That the foregoing shall neither apply to nor affect the provisions of
128 broadcasting franchises concerning territory covered by the franchise, the life span of the
129 franchise or the type of service authorized by the franchise.

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

132 **SECTION 17. Repealability and Non-exclusivity Clause.**— This franchise shall be subject
133 to amendment, alteration or repeal by the Congress of the Philippines when the public

134 interest so requires and shall not be interpreted as an exclusive grant of the privileges
135 herein provided for.

136 **SECTION 18. Effectivity Clause.**— This Act shall take effect fifteen (15) days from the
137 date of the *Official Gazette* or in a newspaper of general circulation.

138 Approved,