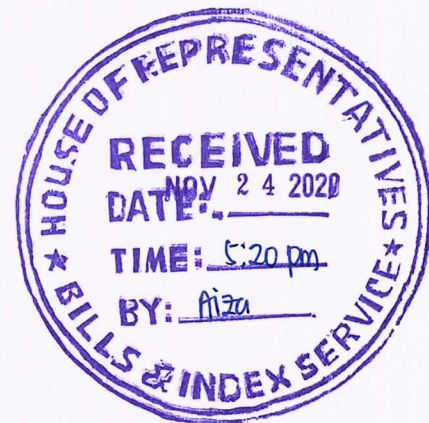


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8074



INTRODUCED BY REPRESENTATIVE JOSE "PINGPING" TEJADA

EXPLANATORY NOTE

This bill seeks to grant the University of Southern Mindanao (USM) a franchise to install, establish, operate and maintain a network of radio broadcasting stations in the Province of Cotabato for educational, commercial and other purposes.

The University of Southern Mindanao is an established public research university in the country, providing instructions and professional training in the fields of science and technology, particularly agriculture and industry. It has over 11,000 students, supported by 1600 faculty across its campuses in key areas of North Cotabato. As a state university and a center of higher learning, it is mandated to help accelerate socio-economic development, promote harmony among diverse communities and improve the people's quality of life through instruction, research, extension and resource generation in the Southern Philippines. It offers a wide array of bachelor's, master's, and doctorate degree programs within its areas of specialization and according to its capabilities. Part of the academic disciplines which USM offers are Development Communication, Electronics and Communication Engineering, Information Systems and Library and Information Sciences which uses mediums of strategic communications in order to facilitate the alleviation of social problems in evolving societies.

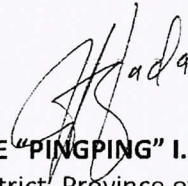
In 2006, USM has established an FM station which is oriented towards helping in the formation of a positive and development-oriented atmosphere within its area of coverage by providing its audience with the latest news and information on home and agricultural technologies through its broadcast programs. The station also aims to assist the government on information dissemination campaigns; provide a medium for tri-people communities for the expression of their cultural and community identities; and serve as a training facility and laboratory for Electronics and Communications Engineering, Development Communications and Information Sciences students to facilitate an experimental learning process and outcome-based education.

In the context of the COVID-19 pandemic, where there has been an excess of information and false rumors, the University of Southern Mindanao, through its FM station has been developing different actions against disinformation, and to reach out with clear messages to the population. During the national lockdown, its FM station, Kool 94.9 became a medium to reach out to people and bring them relevant and reliable information. They have developed

a strategy that includes messages presented in an educational way where they provide advice on different topics such as new ways to greet, how to use masks, how to handwash, among others. The station also broadcasts radio-based teaching, wherein educational materials and instructions are broadcasted as part of the remote based-learning program of the university as well as the Department of Education for basic education programs.

The grant of legislative franchise for USM to install, establish and operate a network of radio broadcasting stations in the Province of Cotabato shall ensure that the university is given an extension platform for its research and development initiatives, moreover serve as a medium for relevant, reliable and accurate information to the general public.

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

A handwritten signature in black ink, appearing to read 'J. Tejada' with a stylized flourish.

JOSE "PINGPING" I. TEJADA
3rd District, Province of Cotabato

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8074

INTRODUCED BY REPRESENTATIVE JOSE "PINGPING" I. TEJADA

AN ACT
GRANTING A FRANCHISE TO THE UNIVERSITY OF SOUTHERN MINDANAO TO
CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN A NETWORK OF RADIO
BROADCASTING STATIONS IN THE PROVINCE OF COTABATO FOR EDUCATIONAL,
COMMERCIAL AND OTHER PURPOSES

1 **Section 1. Nature and Scope of Franchise.** – Subject to the provisions of the 1987
2 Philippine Constitution and applicable laws, rules and regulations, there is hereby granted to
3 the University of Southern Mindanao, hereunder referred to as the grantee, its successors or
4 assigns, a franchise to construct, install, establish, operate and maintain for educational and
5 commercial purposes and in the public interest, a network of radio broadcasting stations
6 through microwave, satellite, terrestrial, or whatever means, including the use of any new
7 technologies in radio systems, with corresponding technological auxiliaries and facilities,
8 special broadcast and other program and distribution services and relay stations in the
9 Province of Cotabato.

10
11 **Section 2. Manner of Operation of Stations or Facilities.** – The stations or facilities of
12 the grantee shall be constructed and operated in a manner as will, at most, result only in the
13 minimum interference on the wavelengths or frequencies of existing stations or other
14 stations which may be established by law, without in any way diminishing its own right to use
15 its selected wavelengths or frequencies and the quality of transmission or reception thereon
16 as should maximize rendition of the grantee's services and/or the availability thereof.

17
18 **Section 3. Prior Approval of the National Telecommunications Commission.** – The
19 grantee shall secure from the National Telecommunications Commission (NTC) the
20 appropriate permits and licenses for the construction and operation of its stations and
21 facilities and shall not use any frequency in the radio spectrum without authorization from
22 the NTC. The NTC, however, shall not unreasonably withhold or delay the grant of any such
23 authority.
24

25 **Section 4. Responsibility to the Public.** – The grantee shall provide adequate public
26 service time to enable the government, through the said broadcasting stations or facilities, to
27 reach the population on important public issues; provide at all times sound and balanced
28 programming; assist in the functions of public information and education; conform to the
29 ethics of honest enterprise; and not use its stations and facilities for the broadcasting of
30 obscene and indecent language, speech, act or scene, or for the dissemination of deliberately
31 false information or willful misrepresentation, to the detriment of the public interest, or to
32 incite, encourage, or assist in subversive or treasonable acts.

33
34 **Section 5. Right of Government.** – A special right is hereby reserved to the President
35 of the Philippines, in times of war, rebellion, public peril, calamity, emergency, disaster or
36 disturbance of peace and order, to temporarily take over and operate the stations or facilities
37 of the grantee; to temporarily suspend the operation of any station or facility in the interest
38 of public safety, security and public welfare; or to authorize the temporary use and operation
39 thereof by any agency of the government, upon due compensation to the grantee, for the use
40 of its stations or facilities during the period when they shall be so operated.

41
42 The radio spectrum is a finite resource that is part of the national patrimony and the
43 use thereof is a privilege conferred upon the grantee by the State and may be withdrawn
44 anytime after due process.

45
46 **Section 6. Term of Franchise.** – This franchise shall be in effect for a period of twenty-
47 five (25) years from the effectivity of the Act, unless sooner revoked or cancelled. This
48 franchise shall be deemed *ipso facto* revoked in the event the grantee fails to operate
49 continuously for two (2) years.

50
51 **Section 7. Acceptance and Compliance.** – Acceptance of this new franchise shall be
52 given in writing to the Congress of the Philippines, through the Committee on Legislative
53 Franchises of the House of Representatives and the Committee on Public Services of the
54 Senate, within sixty (60) days from the effectivity of this Act. Upon giving such acceptance,
55 the grantee shall exercise the privileges granted under this Act. Non-acceptance shall render
56 the franchise void.

57
58 **Section 8. Bond.** – The grantee shall not be required to post a bond on favor of NTC
59 being a State University. However, non-compliance and fulfillment of the conditions set forth
60 in the franchise within three (3) years shall render the franchise *ipso facto* revoked.

61
62 **Section 9. Self-regulation by and Undertaking of Grantee.** – The grantee shall not
63 require any previous censorship of any speech, play, act or scene, or other matter to be
64 broadcast from its stations: *Provided*, That the grantee, during any broadcast, shall cut off
65 from the air the speech, play, act or scene, or other matter being broadcast if the tendency
66 thereof is to propose and/or incite treason, rebellion or sedition; or the language used
67 therein or the theme thereof is indecent or immoral: *Provided, further*, That willful failure to
68 do so shall constitute a valid cause for the cancellation of this franchise.

69
70 **Section 10. Sale, Lease, Transfer, Grant of Usufruct, etc.** – The grantee shall not lease,
71 transfer, grant the usufruct of, sell or assign this franchise nor the rights and privileges
72 acquired hereunder to any person, firm, company, corporation or other commercial or legal
73 entity without the prior approval of the Congress of the Philippines and compliance with legal
74 requirements stipulated in other statutes.

75
76 **Section 11. Renewal, Extension, or Revocation of Franchise.** – The grantee shall apply
77 for the renewal or extension of its franchise five (5) years before its expiration date, which
78 shall be reckoned fifteen (15) days after the publication of the franchise in the *Official Gazette*
79 or in a newspaper of general circulation, whichever comes earlier.
80

81 This franchise may be revoked by Congress when the public interest so requires or
82 when the grantee fails to reasonably comply with regulatory standards.
83

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

90 **Section 13. Applicability of Existing Laws.** – The grantee shall comply with and be
91 subject to the provisions of Commonwealth Act No. 146, otherwise known as the “Public
92 Service Act”, as amended.
93

94 **Section 14. Separability Clause.** – If any of the sections or provisions of this Act is held
95 invalid, all other provisions not affected thereby shall remain valid.
96

97 **Section 15. Repealability and Non-exclusivity Clause.** – This franchise shall be subject
98 to amendment, alteration, or repeal by the Congress of the Philippines when the public
99 interest so requires and shall not be interpreted as an exclusive grant of the privileges herein
100 provided for.
101

102 **Section 16. Repealing Clause.** – All laws, decrees, orders, resolutions, instructions, and
103 rules and regulations or parts thereof which are inconsistent with this Act are hereby deemed
104 repealed or modified.
105

106 **Section 17. Effectivity.** – This Act shall take effect fifteen (15) days after its publication
107 in the *Official Gazette* or in a newspaper of general circulation.
108

109 Approved: