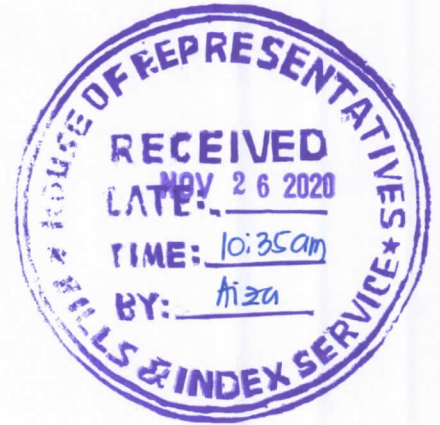


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Eighteenth Congress
Second Regular Session

House Bill No. **8096**



Introduced by

HON. FERDINAND MARTIN G. ROMUALDEZ
and
HON. JUAN MIGUEL MACAPAGAL ARROYO

EXPLANATORY NOTE

Oriental Mindoro Management Resources Corporation (OMARCO) is a corporation duly incorporated on 05 March 1966, with principal office address at Calapan, Oriental Mindoro. The company was granted a franchise to construct, install, establish, operate, manage and maintain for commercial purposes and in the public interest, radio and/or television broadcasting stations anywhere in the Philippines by virtue of Republic Act (R.A.) 8128.

Under Section 24, Article 11 of the 1987 Philippine Constitution, "the State recognizes the vital role of communication and information in nation-building." The fundamental law expressly recognizes the importance of meaningful communication and information dissemination to build a strong Philippine nation.

Considering the mandate in the constitution, OMARCO seeks the granting of its franchise by virtue of R.A. 8108. Moreover, the granting of OMARCO's franchise would allow it to broadcast relevant social and educational information to citizens throughout the country. During the ongoing public health crisis, the State has the duty to ensure that its citizens have easy and steady access to national and local issues to guide them in their daily lives.

Hence, OMARCO earnestly seeks the grant of the renewal of this congressional franchise subject of this application to continue its operation and management of its radio and broadcast stations.


FERDINAND MARTIN G. ROMUALDEZ
Representative, 1st District of Leyte


JUAN MIGUEL MACAPAGAL ARROYO
Representative, 2nd District of Pampanga

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 8096

Introduced by

HON. FERDINAND MARTIN G. ROMUALDEZ
and
HON. JUAN MIGUEL MACAPAGAL ARROYO

**AN ACT GRANTING A FRANCHISE TO ORIENTAL MINDORO
MANAGEMENT RESOURCES CORPORATION (OMARCO) TO
CONSTRUCT, INSTALL, ESTABLISH, OPERATE, MANAGE AND MAINTAIN A
NETWORK OF RADIO AND TELEVISION STATIONS ANYWHERE IN THE
PHILIPPINE, AND FOR OTHER PURPOSES", FOR ANOTHER TWENTY-FIVE
(25) YEARS FROM THE EFFECTIVITY OF THIS ACT**

*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 the Oriental Mindoro Management Resources Corporation (OMARCO), hereunder referred to as the grantee, its successors or assigns, a franchise to construct, install, establish, operate, manage and maintain for commercial purposes and in the public interest, radio and/or television broadcasting stations anywhere in the Philippines with the corresponding technological auxiliaries or facilities, special broadcast and other program and distribution services and relay stations, and to install radio communication facilities for the grantee's private use in its broadcast services, is hereby renewed for another twenty-five (25) years from the effectivity of this Act.

Section 2. Manner of Operation of Stations or Facilities. - The stations or facilities of the grantee shall be constructed and operated in a manner that will result to minimal interference on the wavelengths or frequencies of other existing station/s 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 be maximized for the rendition of the grantee's service and/or the availability thereof.

Section 3. Prior Approval of the National Telecommunications Commission. – The grantee shall secure from the National Telecommunications Commission the appropriate permits and licenses for its stations 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, 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 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 acts.

Section 5. *Right of Government.* – A special right is hereby reserved to the President of the Philippines, in times of rebellion, public peril, calamity, emergency, disaster or disturbance of peace and order, to temporarily take over and operate the stations of the grantee, to temporarily suspend the operation of any station 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 during the period when they shall be so operated.

Section 6. *Term of Franchise.* – This franchise shall be for a term of twenty-five (25) years from the date of approval of this Act, unless sooner revoked or cancelled. In the event the grantee fails to operate continuously for two (2) years, this franchise shall be deemed revoked; provided: the required process for revocation of legislative franchises is first complied with before the revocation of the franchise is deemed effective.

Section 7. *Acceptance and Compliance.* – This franchise shall become effective upon acceptance in writing by the grantee. Upon giving such acceptance, the grantee shall exercise the privileges granted under this Act. Non-acceptance shall render the franchise void.

Section 8. *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 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.

Section 9. *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.

Section 10. *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 shall the controlling interest in the grantee be transferred to any such private person, firm, company, corporation or entity without the approval of the Congress of the Philippines. Any person or entity to which this franchise is sold, transferred or assigned shall be subject to all the same conditions, terms, restrictions, and limitations of this Act.

Section 11. *General Broadcast Policy Law.* – The grantee shall comply with any general broadcast policy law which Congress may hereafter enact.

Section 12. *Separability Clause.* – If any sections or provisions of this Act is held invalid, all the other provisions not affected thereby shall remain valid.

Section 13. *Repealability and Non-exclusivity 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 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from the date of its publication in at least two (2) newspaper of general circulation in the Philippines.

Approved,