

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 8600



Introduced by Representative PABLO JOHN F. GARCIA

EXPLANATORY NOTE

Exodus Broadcasting Company, Inc. is a 100% Filipino-owned multi-generational family corporation registered with the Securities and Exchange Commission in October 11, 1993 with the primary purpose of engaging in the business of radio broadcasting on a commercial basis and to act as an advertising agent. It was granted a nationwide legislative franchise under Republic Act No. 8603, which lapsed into law on March 25, 1998.

Exodus is the sole and current owner of the WRock brand of radio stations and its corresponding *LiteRock* music programming, which was conceptualized in the late 1980's and first hit the airwaves in 1988. The brand has not reformatted since then, enabling Exodus to build a loyal base of audiences all throughout the country and even to listeners abroad; but it remains ever-relevant to the masses by injecting new music and tapering off old music as the new decade approaches. Exodus also promotes responsible citizenry through its time-and-tested award-winning WRock brand and *LiteRock* programming as it is designed to primarily inform, educate, and entertain the public through a healthy balance of music, news snippets, and informative segments which promotes good and timeless Filipino values.

With the advent of online technology, the company has been able to digitally expand the geographical reach of its radio station DYRK-FM 96.3 WRock Cebu beyond its area of FM coverage via WRock Online – an online livestreaming simulcast listened to by millions of local Filipinos nationwide whilst also delivering a slice of home to migrant Filipinos worldwide.

Exodus is seeking to renew its legislative franchise for another 25 years in order to support its plans to expand its WRock brand by establishing stations in key cities nationwide and delivering integrated online and on-ground activities to its local areas of

operation. Exodus aims to deliver the same quality of programming which Filipinos have come to love in the past two decades all while advocating and promoting good Filipino values on a more-scaled national level.

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

A stylized, handwritten signature in black ink, appearing to read 'P. Garcia'.

Rep. PABLO JOHN F. GARCIA
3rd District, Cebu Province

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AN ACT
RENEWING THE FRANCHISE GRANTED TO EXODUS BROADCASTING CO., INC.
UNDER REPUBLIC ACT. NO. 8603 ENTITLED, “*An Act Granting the Exodus*
Broadcasting Co., Inc. a Franchise to Construct, Install, Establish, Operate and
***Maintain Radio and Television Stations in the Philippines*” FOR ANOTHER**
TWENTY-FIVE (25) YEARS

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 1987 Philippine Constitution and applicable laws, rules and regulations, the franchise granted to Exodus Broadcasting Co., Inc. hereunder referred to as the grantee, its successors or assignees, under Republic Act No. 8603 entitled “*An Act Granting the Exodus Broadcasting Co., Inc. a Franchise to Construct, Install, Establish, Operate and Maintain Radio and Television Stations in the Philippines*” to construct, install, establish, operate, and maintain for commercial purposes and in the public interest, radio and/or television broadcasting stations, where frequencies and/or channels are still available for radio and/or television broadcasting, including digital television system, through microwave, satellite or whatever means, including the use of any new technologies in television and radio systems, with the corresponding technological auxiliaries and facilities, special broadcast and other program and distribution services and relay stations in the Philippines 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 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 privilege to use its assigned wavelengths or frequencies and the quality of transmission or reception thereon as should maximize rendition of the grantee's services and/or the availability thereof.

Section 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 stations and facilities and shall not use any frequency in the radio/television spectrum without authorization from the NTC. The NTC, 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 or facilities, 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 and facilities 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.

Section 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 stations or facilities 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 its stations or facilities during the period when they shall be so operated.

The radio spectrum is a finite resource that is 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.

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

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

Section 8. *Bond.* - The grantee shall file a bond with the NTC in the amount that the NTC shall determine to guarantee 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.

Section 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 stations: *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: *Provided, further,* That willful failure to do so shall constitute a valid cause for the cancellation of this franchise.

Section 10. *Warranty in Favor of National and Local Governments.* - The grantee shall hold the national, provincial, city and municipal governments of the Philippines free 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 11. *Sale, Lease, Transfer, Grant of Usufruct, or Assignment of Franchise.* - 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 transfer the controlling interest of the grantee, 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: *Provided,* That Congress shall be informed of any sale, lease, transfer, grant of usufruct of, or assignment of franchise or the rights or privileges acquired thereunder, or the merger or transfer of the controlling interest of the grantee, within sixty (60) days after the completion of said transaction: *Provided, further,* That failure to report to Congress such change of ownership shall render the franchise *ipso facto* revoked: *Provided, finally,* That 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.

Section 12. *Dispersal of Ownership.* - In accordance with the constitutional provision to encourage public participation in public utilities, the grantee shall offer to Filipino citizens at least thirty per cent (30%) or a higher percentage that may hereafter be provided by law of its outstanding capital stock in any securities exchange in the Philippines within five (5) years from the commencement of its operations: *Provided,* That in cases where public offer of shares is not applicable, establishment of cooperatives and

other methods of encouraging public participation by citizens and corporations operating public utilities must be implemented. Noncompliance therewith shall render the franchise *ipso facto* revoked.

Section 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.

Section 14. Reportorial Requirement. – The grantee shall submit an annual report to the Congress of the Philippines, through the Committee on Legislative Franchises of the House of Representatives and the Committee on Public Services of the Senate, on its compliance with the terms and conditions of the franchise and on its operations on or before April 30 of every year during the term of its franchise. The reportorial compliance certificate issued by Congress shall be required before any application for permit or certificate is accepted by the NTC.

Section 15. Penalty Clause. – Any grantee who fails to submit the Annual Report to Congress will be fined Five Hundred Pesos (P500.00) per working day of non-compliance. Said fine will be collected by the NTC from said delinquent franchise grantee separate from the reportorial penalties imposed by NTC. The collected funds shall accrue to the monitoring fund of the NTC in line with its supervisory and regulatory functions. The reportorial compliance certificate issued by Congress shall be required before any application for permit or certificate is accepted by NTC.

Section. 16. Equality Clause. - Any advantage, favor, privilege, exemption, or immunity granted under existing franchises, or which may hereafter be granted for radio and/or television broadcasting, upon prior review and approval of Congress, shall become part of this franchise and shall be accorded immediately and unconditionally to the herein grantee: *Provided*, That the foregoing shall neither apply to nor affect the provisions of broadcasting franchises concerning territory covered by the franchise, the life span of the franchise or the type of service authorized by the franchise.

Section 17. *Separability Clause.* – If any of the sections or provisions of this Act is held invalid, all other provisions not affected thereby shall remain valid.

Section 18. *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.

Section 19. *Publication.* – This Act shall be published, through the initiative of the Grantee, fifteen (15) days after this Act is signed by the President of the Philippines or has lapsed into law.

Section 20. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,