

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

NINETEENTH CONGRESS  
Second Regular Session

HOUSE BILL NO. 10318



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Introduced by Representative Joseph Gilbert F. Violago

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**EXPLANATORY NOTE**

No less than the 1987 Constitution enshrines the right of the people to information on matters of public concern. (Art. III, Sec. 7) The State likewise recognizes the vital role of communication and information in nation-building, (Art. II, Sec. 24)

For this reason, this bill seeks to renew the legislative franchise issued in favor of the Dawnbreakers Foundation, Inc., a 100% Filipino non-profit foundation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, under Republic Act No. 9123 entitled, "AN ACT GRANTING THE DAWNBREAKERS INC., A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO FOR NON-PROFIT AND NON-COMMERICAL RADIO BROADCASTING STATION IN THE PHILIPPINES".

Republic Act No. 9123 lapsed into law on April 20, 2001. By virtue thereof, Dawnbreakers Foundation, Inc. immediately implemented its franchise and now continues to operate its non-profit, non-political, non-commercial radio station, DWBR-Radyo Bahá'í (Philippines). It airs on the AM frequency at 1584 kHz broadcasting in Barangay Bulac, Talavera, Nueva Ecija.

DWBR Radyo Bahá'í is a radio station that focuses on the communications media as a tool in the advancement and acceleration of the educational process, which, in turn, leads and contributes to the transformation of society, particularly the spiritual and material culture of the population. Its programs include disseminating information on culture, health care, farming, and other topics on development. It promotes positive social change by providing the various communities that it serves with access to knowledge that those communities have identified as necessary to uplift themselves and advance their community's spiritual, cultural, social, and economic advancement. Its initiative to participate in consultations with those they serve in the communities enables the station to recognize these information needs and reflect it in the platforms they develop.

Radyo Bahá'í serves as a platform for broadcasting Bahá'í-inspired content, including prayers, readings from Bahá'í scriptures, discussions on spiritual topics, and

programs that promote unity, peace, and social progress. It aims to share the teachings of the Bahá'í Faith, fostering spiritual growth, community building, and the exploration of fundamental human values. Additionally, Radyo Bahá'í also provides updates on local, regional, national and international Bahá'í activities, events, and initiatives, serving as a means of communication and connection within the Bahá'í community and beyond.

As a non-political and non-partisan station, Radyo Bahá'í advocates obedience to the government and its laws. It strongly discourages civil disobedience and any actions that violate the law in pursuit of social change. It also features programs designed to promote social and economic change across all communities at large. It serves its listeners with programs designed to promote moral, spiritual, and human resource development. To cite an example, in support of the Blended Learning educational program of the Department of Education (DepEd), Radyo Baha'i airs the "Radyokasyon" of DepEd, a daily program for Kindergarten, Grade 1 and 2 in elementary schools. This is also being supplemented with children's programs that reinforce the practice of virtues like patience, truthfulness, and generosity.

In May 2011, Dawnbreakers Foundation Inc. became a member of the Kapisanan ng mga Brodkaster ng Pilipinas (KBP) and since then, the Foundation actively participates in the association's programs and activities, attends the regular membership meetings, upholds the objectives of KBP and faithfully adheres to the policies, rules and regulations of the Kapisanan.

Under the Republic Act No. 9123, the franchise shall be for a term of twenty-five (25) years from the date of effectivity of the Act; hence, it will expire on April 20, 2025.

Considering the vital role played by the Dawnbreakers Foundation Inc., in information dissemination and in the promotion of spiritual education, it is imperative that the State allows its public service to continue uninterrupted by granting a renewal of its franchise.

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

  
**JOSEPH GILBERT F. VIOLAGO**

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**AN ACT**  
**RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE**  
**FRANCHISE GRANTED TO DAWNBREAKERS, INC. UNDER REPUBLIC**  
**ACT NO. 9123, ENTITLED “AN ACT GRANTING TO DAWNBREAKERS,**  
**INC., A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, MAINTAIN**  
**AND OPERATE FOR NON-PROFIT AND NON-COMMERCIAL RADIO**  
**BROADCASTING STATION IN THE PHILIPPINES”**

*Be it enacted by the Senate and the 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, the franchise granted under Republic Act No. 9123 to Dawnbreakers Foundation, Inc., hereunder referred to as the grantee, its successors, or assignees, to construct, install, establish, operate, and maintain for non-profit and non-commercial purposes and in the public interest, radio broadcasting station in the Philippines, where frequencies are still available for radio broadcasting, through microwave, satellite or whatever means, as well as the use of any new technology in 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 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 or 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 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 or facilities for the broadcasting of obscene or 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.

Public service time, which shall be free-of-charge and shall be for a minimum number of hours per month as may be set by the NTC, shall be allocated based on need to the executive, legislative, judiciary, constitutional commissions and international humanitarian organizations recognized by statutes: *Provided*, That the NTC shall increase the public service time in case of extreme emergency or calamity. The NTC shall issue rules and regulations for this purpose, the effectivity of which shall commence upon applicability with other similarly situated broadcast network franchise holders.

**SECTION 5. *Compliance with Labor Standards.*** – The grantee, its successors or assignees shall comply with the applicable labor standards under existing labor laws, rules and regulations and such other issuances as may be promulgated by the Department of Labor and Employment, taking into consideration the nature and peculiarities of the broadcast industry.

**SECTION 6. *Right of the Government.*** – The radio spectrum is a finite resource that is a 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.

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 said stations or facilities during the period when these shall be so operated.

**SECTION 7. *Term of Franchise.*** – This franchise shall be in effect for a period of twenty-five (25) years from the effectivity of this Act, unless sooner revoked or cancelled. This franchise is deemed *ipso facto* revoked in the event the grantee fails to operate continuously for two (2) years.

**SECTION 8. *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 9. *Tax Provisions.*** – The grantee, its successors or assignees shall continue to be subject to all applicable taxes, duties, fees, or charges and other impositions under the “National Internal Revenue Code of 1997”, as amended; Republic Act No. 7160, otherwise known as the “Local Government Code of 1991”, as amended, and other applicable laws.

**SECTION 10. *Self-Regulation by and Undertaking of the Grantee.*** – The grantee shall not require any previous censorship of any speech, play, or act or scene, or other matter to be broadcast from its stations but if such any speech, play, act or scene, or other matter should constitute a violation of the law or infringement of a private right, the grantee shall be free from any liability, civil or criminal, for such speech, play, act or scene, or other matter: *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 revocation and cancellation of this franchise.

**SECTION 11. *Obligation of Grantee.*** – Any person aggrieved by any remark, report, statement, commentary or the like by broadcaster using the same facilities of the grantee shall have the right to reply in the same program or any other program the aggrieved party may choose.

**SECTION 12. *Warranty in Favor of the National and Local Governments.*** – The grantee shall hold the national, provincial, city, and municipal governments of the Philippines harmless from all claims, accounts, demands or actions arising out of accidents or inquiries, whether to property or to persons, caused by the construction or operations of the stations of the grantee.

**SECTION 13. *Sale, Lease, Transfer, 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 the controlling interest of the grantee be transferred, 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 such transfer, sale or issuance is in accordance with any applicable constitutional limitation: *Provided, finally*, That 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 14. *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 15. *Equality Clause.*** – Any advantage, favor, privilege, exemption, or immunity granted under existing franchises, or may hereafter be granted, shall *ipso facto* become part of previously granted telecommunications franchises and shall be accorded immediately and unconditionally to the grantees of such franchises: *Provided, however,* That the foregoing shall neither apply to nor affect provisions of telecommunications franchises concerning territory covered by the franchise, the life span of the franchise, or the type of service authorized by the franchise.

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

**SECTION 17. *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.

All other laws, order, issuances, rules and regulations or parts thereof inconsistent with this Act are hereby repealed, amended or modified accordingly.

**SECTION 18. *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 19. *Effectivity.*** – This Act shall take effect fifteen (15) days after of its publication in the *Official Gazette* or in a newspaper of general circulation.

*Approved,*