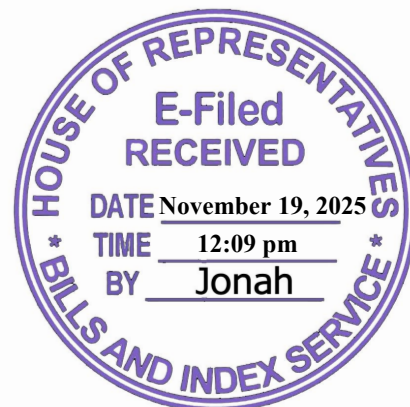


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6190



Introduced by REPRESENTATIVE MERCEDES K. ALVAREZ, MNSA

EXPLANATORY NOTE

This bill seeks approval of Congress regarding the renewal of the legislative franchise for broadcasting granted to End Time Mission Broadcasting Service, Inc. ("EMBS"). The said legislative franchise was initially granted by virtue of Republic Act No. 8996, as amended by Republic Act No. 9342, entitled, "An Act Granting the End Time Mission Broadcasting Service, Inc. a Franchise to Construct, Install, Establish, Operate and Maintain for Educational and Commercial Purposes Radio and Television Broadcasting Stations in the Philippines" ("RA 9432").

The EMBS was first established to provide religious and educational content in its broadcast. This was related to the missionary purpose of the Pentecostal Missionary Church of Christ (4th Watch). Its broadcasting service was conducted through the "Life Radio" and "Life TV" brands. With its steady growth through years of operation, the EMBS expanded and started to include news, public affairs, music and entertainment in its content. A recognition of its expanding reach was the amendment of its original franchise by RA 9342 which broadened the scope of the franchise to include commercial operations over the entire Philippines.

In keeping with the State policy enshrined in Section 24, Article II of the 1987 Philippine Constitution recognizing the vital role of communications and information in nation building, the EMBS now seeks to secure the renewal of its legislative franchise. The renewal of the franchise will enable it to continue its broadcasting

service. Accordingly, its programming offers a wide variety of content, including spiritual guidance and renewal, uplifting music for the listeners, and talk shows on various topics. It also keeps its listeners informed with the latest news, serves as a dutiful partner in delivering timely weather update in its coverage area, and most importantly, it is an active partner in the promotion of government programs and projects.

All of these provide a compelling reason for the renewal of the legislative franchise of the EMBS which is set to expire very soon. In view of the foregoing, the approval of this bill, previously filed in the 19th Congress, is earnestly sought.


ATTY. MERCEDES K. ALVAREZ, MNSA

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TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6190

Introduced by REPRESENTATIVE MERCEDES K. ALVAREZ, MNSA

AN ACT

**RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE
FRANCHISE GRANTED TO END TIME MISSION BROADCASTING
SERVICE, INC. UNDER REPUBLIC ACT NO. 8996, AS AMENDED BY
REPUBLIC ACT NO. 9342, ENTITLED "AN ACT GRANTING THE END
TIME MISSION BROADCASTING SERVICE, INC. A FRANCHISE TO
CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN FOR
EDUCATIONAL AND COMMERCIAL PURPOSES RADIO AND
TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES"**

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

1 Section 1. *Nature and Scope of Franchise.* – Subject to the provisions of the
2 1987 Philippine Constitution and applicable laws, rules and regulations, the franchise
3 granted to End Time Mission Broadcasting Service, Inc., hereunder referred to as the
4 Grantee, its successors or assignees, under Republic Act No. 8996, as amended by
5 Republic Act No. 9342, to construct, establish, install, operate, and maintain for
6 religious, educational and/or commercial purposes and in the public interest, radio
7 and/or television broadcasting stations in the Philippines, where frequencies and
8 channels are still available for radio and television broadcasting, including digital
9 television system, through microwave, satellite or whatever means, as well as the use
10 of any new technology in radio and television systems, with the corresponding
11 technological auxiliaries and facilities, special broadcast and other program and

1 distribution services and relay stations, is hereby renewed for another twenty-five (25)
2 years.

3
4 *Sec. 2. Manner of Operation of Stations or Facilities.* – The stations or facilities
5 of the Grantee shall be constructed and operated in a manner as will, at most, result
6 only in the minimum interference on the wavelengths or frequencies of existing
7 stations or other stations which may be established by law, without in any way
8 diminishing its own privilege to use its assigned wavelengths or frequencies and the
9 quality of transmission or reception thereon as should maximize rendition of the
10 Grantee's services and the availability thereof.

11
12 *Sec. 3. Authority of the National Telecommunications Commission.* – The
13 Grantee shall secure from the National Telecommunications Commission (“NTC”) the
14 appropriate permits and licenses for the construction, installation, and operation of
15 its stations or facilities and shall not use any frequency in the radio spectrum without
16 authorization from the NTC. The NTC, however, shall not unreasonably withhold or
17 delay the grant of any such authority.

18
19 In case of any violation of the provisions of this franchise, the NTC shall have
20 the authority to revoke or suspend, after due process, the permits or licenses it issued
21 pursuant to the franchise. The NTC may recommend to Congress the revocation of the
22 franchise for any violation of the provisions of this franchise.

23
24 *Sec. 4. Excavation and Restoration Works.* – For the purpose of erecting and
25 maintaining poles or other supports for said wires or other conductors for the purpose
26 of laying and maintaining underground wires, cables, or other conductors, it shall be
27 lawful for the grantee, its successors or assignees, with the prior approval of the
28 Department of Public Works and Highways (“DPWH”) or the local government unit
29 (“LGU”) concerned, as may be appropriate, to make excavations or lay conduits in any
30 of the public places, roads, highways, streets, lanes, alleys, avenues, sidewalks, or
31 bridges of the province, cities and/or municipalities: *Provided, however,* That a public
32 place, road, highway, street, lane, alley, avenue, sidewalk, or bridge disturbed, altered
33 or changed by reason of erection of poles or other supports or the underground laying
34 of wires, other conductors or conduits shall be repaired and replaced in workmanlike

1 manner by said grantee, its successors or assignees, in accordance with the standards
2 set by the DPWH or the LGU concerned. Should the grantee, its successors or
3 assignees, after the ten (10)-day notice from the said authority, fail, refuse, or neglect
4 to repair or replace any part of public place, road, highway, street, lane, alley, avenue,
5 sidewalk, or bridge disturbed, altered or changed by the said grantee, its successors or
6 assignees, then the DPWH or the LGU concerned shall have the right to have the same
7 repaired and placed in good order and condition, and charge the grantee, its successors
8 or assignees at double the amount of the costs and expenses for such repair or
9 replacement.

10
11 *Sec. 5. Responsibility to the Public.* – The Grantee shall provide, free of charge,
12 adequate public service time which is reasonable and sufficient to enable the
13 government, through the broadcasting stations or facilities of the Grantee, to reach the
14 pertinent populations or portions thereof, on important public issues and relay
15 important public announcements and warnings concerning public emergencies and
16 calamities, as necessity, urgency, or law may require; provide at all time sound and
17 balanced programming; promote public participation; assist in the functions of public
18 information and education; conform to the ethics of honest enterprise; promote
19 audience sensibility and empowerment including closed captioning and not use its
20 stations or facilities for the broadcasting of obscene or indecent language, speech, act
21 or scene, the dissemination of deliberately false information or willful
22 misrepresentation, to the detriment of public interest, or to incite, encourage, or assist
23 in subversive or treasonable acts.

24
25 Public service time referred herein shall be equivalent to a maximum aggregate
26 of ten percent (10%) of paid commercials or advertisements which shall be allocated
27 based on need to the Executive and Legislative branches, the Judiciary, Constitutional
28 Commissions, and international humanitarian organizations duly recognized by
29 statutes: *Provided*, That the NTC shall increase the public service time in case of
30 extreme emergency or calamity. The NTC shall issue rules and regulations for this
31 purpose, the effectivity of which shall commence upon applicability with other
32 similarly situated broadcast network franchise holders.

1 Pursuant to Republic Act No. 8370, otherwise known as the Children's
2 Television Act of 1997, the Grantee shall allot a minimum of fifteen percent (15%) of
3 the daily total air time of each broadcasting network or station to child-friendly shows
4 within its regular programming.

5
6 Sec. 6. *Right of the Government.* – The radio spectrum is a finite resource that
7 is part of the national patrimony, and the use thereof is a privilege conferred upon the
8 Grantee by the State that may be withdrawn anytime after due process.

9
10 A special right is hereby reserved to the President of the Philippines, in times of
11 war, rebellion, public peril, calamity, emergency, disaster, or disturbance of peace and
12 order: to temporarily take over and operate the stations or facilities of the Grantee; to
13 temporarily suspend the operation of any station or facility in the interest of public
14 safety, security, and public welfare; or to authorize the temporary use and operation
15 thereof by any agency of the government, upon due compensation to the Grantee, for
16 the use of said stations or facilities during the period when these shall be so operated.

17
18 Sec. 7. *Term of Franchise.* – This franchise shall be renewed and in effect for a
19 period of twenty-five (25) years from the effectivity of this Act, unless sooner revoked
20 or cancelled. This franchise shall be deemed *ipso facto* revoked in the event the
21 Grantee fails to operate continuously for two (2) years.

22
23 Sec. 8. *Self-regulation by and Undertaking of Grantee.* – The Grantee shall not
24 require any previous censorship of any speech, play, act or scene, or other matter to be
25 broadcast from its stations, but if any such speech, play, act or scene, or other matter
26 should constitute a violation of the law or infringement of a private right, the Grantee
27 shall be free from any liability, civil or criminal, for such speech, play, act or scene, or
28 other matter: *Provided*, That the Grantee, during any broadcast, shall cut off the airing
29 of speech, play, act or scene, or other matter being broadcast if the tendency thereof is
30 to propose or incite treason, rebellion, or sedition; or the language used therein or the
31 theme thereof is indecent or immoral: *Provided, further*, That willful failure to do so
32 shall constitute a valid cause for the cancellation of this franchise.

33

1 Sec. 9. *Warranty in Favor of the National and Local Governments.* – The
2 Grantee shall hold the national, provincial, city, and municipal governments of the
3 Philippines free from all claims, liabilities, accounts, demands, or actions arising out
4 of accidents causing injury to persons or damage to properties, during the construction
5 or operation of the stations of the Grantee.

6
7 Sec. 10. *Commitment to Provide and Promote the Creation of Employment*
8 *Opportunities.* – The Grantee shall create employment opportunities and accept on-
9 the-job trainees in the franchise operations: *Provided*, That priority shall be accorded
10 to the residents of the place where the principal office of the Grantee is located:
11 *Provided, further*, That the Grantee shall comply with the applicable labor standards
12 and allowance entitlement under existing labor laws, rules and regulations and similar
13 issuances.

14
15 The employment opportunities or jobs created shall be reflected in the General
16 Information Sheet (“GIS”) to be submitted to the Securities and Exchange
17 Commission (“SEC”) annually.

18
19 Sec. 11. *Sales, Lease, transfer, Grant of Usufruct, or Assignment of Franchise.*
20 – The Grantee shall not sell, lease, transfer, grant the usufruct of, nor assign this
21 franchise or the rights and privileges acquired thereunder to any person, firm,
22 company, corporation or other commercial or legal entity, nor merge with any other
23 corporations or entity, nor shall the controlling interest of the Grantee be transferred,
24 simultaneously or contemporaneously, to any person, firm, company, corporation or
25 entity without the prior approval of Congress. The Grantee shall inform Congress,
26 through the Office of the Speaker of the House of Representatives and Office of the
27 Senate President, of any sale, lease, transfer, grant of usufruct, or assignment of
28 franchise or the rights and privileges acquired thereunder, or of the merger or transfer
29 of the controlling interest of the Grantee, within sixty (60) days after the completion
30 of the said transaction. Failure to report to Congress such change of ownership shall
31 render the franchise ipso facto revoked. Any person or entity to which this franchise is
32 sold, transferred, or assigned shall be subject to the same conditions, terms,
33 restrictions, and limitations of this Act.

1
2 Sec. 12. *Dispersal of Ownership.* – In accordance with the constitutional
3 provision to encourage public participation in public utilities, the Grantee shall offer
4 to Filipino citizens at least thirty percent (30%) of its outstanding capital stocks, or a
5 higher percentage that may hereafter be provided by law, in any securities exchange
6 in the Philippines within five (5) years from the effectivity of this Act: *Provided*, That
7 in cases where public offer of shares is not applicable, other methods of encouraging
8 public participation by citizens and corporations operating public utilities must be
9 implemented. Noncompliance therewith shall render the franchise *ipso facto* revoked.
10

11 Sec. 13. *Reportorial Requirement.* – The Grantee shall submit an annual report
12 on its compliance with the terms and conditions of the franchise and on its operations
13 to the Congress of the Philippines, through the Committee on Legislative Franchises
14 of the House of Representatives and the Committee on Public Services of the Senate,
15 on or before April 30 of every year during the term of its franchise.
16

17 The annual report shall include an update on the commencement of activities,
18 development, operation or expansion of business; audited financial statements; latest
19 GIS officially submitted to the SEC, if applicable; certification of the NTC on the status
20 of its permits and operations; and an update on the dispersal of ownership
21 undertaking, if applicable.
22

23 The reportorial compliance certificate issued by Congress shall required before
24 any application for permit or certificate is accepted by the NTC.
25

26 Sec. 14. *Fine.* – Failure of the Grantee to submit the requisite annual report to
27 Congress shall be penalized by a fine of Five hundred pesos (P500.00) per working
28 day of noncompliance with the NTC. The fine shall be collected separately from the
29 reportorial penalties imposed by the NTC and it shall be remitted to the Bureau of the
30 Treasury.
31

32 Sec. 15. *Equality Clause.* – Any advantage, favor, privilege, exemption or
33 immunity granted under existing franchises, or which may hereafter be granted for
34 radio broadcasting, upon prior review and approval of Congress, shall become part of

1 this franchise and shall be accorded immediately and unconditionally to the herein
2 Grantee: *Provided*, That the foregoing shall neither apply to nor affect the provisions
3 of broadcasting franchises concerning territorial coverage, the term, or the type of
4 service authorized by the franchise.

5
6 Sec. 16. *Repeatability and Non-exclusivity Clause.* – This franchise shall be
7 subject to amendment, alteration, or repeal by Congress when the public interest so
8 requires and shall not be interpreted as an exclusive grant of the privileges herein
9 provided for.

10
11 Sec. 17. *Separability Clause.* – If any of the sections or provisions of this Act is
12 held invalid, all other provisions not affected thereby shall remain valid.

13
14 Sec. 18. *Repealing Clause.* – All laws, decrees, orders, resolutions, instructions,
15 rules and regulations, and other issuances or parts thereof which are inconsistent with
16 the provisions of this Act are hereby repealed, amended, or modified accordingly.

17
18 Sec. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after its
19 publication in the Official Gazette or in a newspaper of general circulation.

20

Approved,