

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Resolution No. **839**



Introduced by **Rep. LAWRENCE LEMUEL H. FORTUN**

RESOLUTION

CONDEMNING THE ISSUANCE BY THE NATIONAL TELECOMMUNICATIONS COMMISSION (NTC) OF A CEASE AND DESIST ORDER AGAINST ABS-CBN IN WANTON DISREGARD OF ITS COMMITMENT TO BOTH HOUSES OF CONGRESS TO GRANT THE BROADCASTING NETWORK A PROVISIONAL AUTHORITY TO OPERATE PENDING RENEWAL OF ITS FRANCHISE

WHEREAS, the Article III, Section 4 of the 1987 Philippine Constitution guarantees the freedom of speech, of expression, and of the press;

WHEREAS, Republic Act No. 3846 provides that a legislative franchise is required for any person, firm, company, association or corporation to construct, install, establish, or operate a radio station within the country;

WHEREAS, Republic Act No. 7925, or the "Public Telecommunications Policy Act of the Philippines," empowered the National Telecommunications Commission (NTC) to regulate and supervise the provision of public telecommunications service in the country;

WHEREAS, anticipating the expiry of its 25-year franchise granted under Republic Act No. 7966, which was approved on 30 March 1995 and became effective on 4 May 1995, several bills for the renewal of ABS-CBN's franchise have been filed since 2014 but were unfortunately not acted upon by Congress until today;

WHEREAS, the NTC had granted Provisional Authorities (PAs) in the past to entities with expired franchises but have pending applications for renewal in Congress;

WHEREAS, in a letter dated 26 February 2020 to the NTC, Department of Justice (DOJ) Secretary Menardo I. Guevarra opined that there is "sufficient equitable basis to allow broadcast entities to continue operating while the bills for the renewal of their respective franchise remain pending with Congress;"

WHEREAS, Sec. Guevarra noted that it has been an "established practice" for Congress to allow a franchisee to continue operations pending the renewal of its franchise, and thus:

"It is imperative that the same treatment be extended to all entities seeking the renewal of their franchises which are about to expire. Otherwise, it runs afoul of the basic principles of fairness and justice."

WHEREAS, in a letter dated 26 February 2020 from House Committee on Legislative Franchises Chairperson Franz E. Alvarez, duly concurred by House Speaker Allan Peter "Compañero" S. Cayetano, the NTC was enjoined to grant provisional authority to ABS-CBN

Corporation and its subsidiaries to operate effective 4 May 2020 until such time that the House of Representatives/Congress has made a decision on their franchise applications;

WHEREAS, the Senate adopted last 4 March 2020 Resolution No. 344 expressing the sense of the body to authorize the NTC to issue a provisional authority to ABS-CBN Corporation, its subsidiaries and/or affiliates;

WHEREAS, in a hearing last 10 March 2020, the House Committee on Legislative Franchises adopted the aforementioned letter sent by Rep. Alvarez and House Speaker Cayetano to the NTC urging the commission to grant a provisional authority to ABS-CBN and its subsidiaries;

WHEREAS, in the same hearing the National Telecommunications Commission (NTC), through Commissioner Gamaliel A. Cordoba, categorically expressed that, following the legal guidance of the DOJ, their agency shall grant ABS-CBN a provisional authority until Congress' final disposition of the franchise renewal bill;

WHEREAS, the NTC likewise committed in the same hearing to update the House of Representatives regularly on any developments related to the grant of the provisional authority to ABS-CBN;

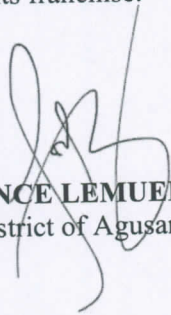
WHEREAS, in a sudden turn of events, the NTC issued a cease and desist order (CDO) on 5 May 2020 against ABS-CBN from continuing its operations beyond the expiration of its franchise on 4 May 2020 without any prior notification to the House of Representatives and thus depriving the whole institution the opportunity to act accordingly and expeditiously on this matter;

WHEREAS, the recent action of the NTC is a blatant disregard on the constitutional authority and prerogative of Congress on granting legislative franchises and a grave affront to both Houses of Congress, whom, on separate hearings, the NTC made clear commitments to issue a provisional authority to ABS-CBN when there is clear and categorical advice from Congress of its intent to allow the network's provisional operation pending renewal of the subject franchises;

WHEREAS, the NTC's shutdown of ABS-CBN is not only a serious challenge to press freedom and a deprivation of much needed information during the ongoing Coronavirus Disease (COVID-19) pandemic, but also unduly means the denial of livelihood for the network's 11,000 employees who are already suffering in this time of crisis;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to strongly express the sense of the House of Representatives condemning the issuance by the National Telecommunications Commission (NTC) of a cease and desist order against ABS-CBN in wanton disregard of its commitment to both houses of Congress to grant the broadcasting network a provisional authority to operate pending renewal of its franchise.

Adopted.


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1st District of Agusan del Norte