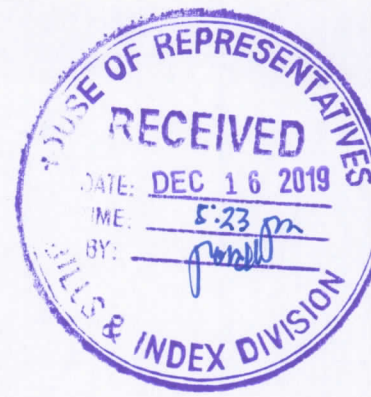


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5827



INTRODUCED BY REPRESENTATIVE JOSE "PINGPING" TEJADA

EXPLANATORY NOTE

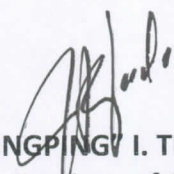
The bill seeks to renew the Franchise of Sulu-Tawi-tawi Broadcasting Foundation, Inc. (STBFI) for another twenty-five years (25years). STBFI was first granted a franchise on July 15, 1995 by virtue of Republic Act 8082.

STBFI operates a station through frequencies 927Khz Amplified Modulation DXMM in Jolo, Sulu and also Amplified Modulation DXGD with frequency 675kZ in Bongao, Tawi-Tawi both servicing the Sulu-Tawi-Tawi provinces. Its signal is also received by Borneo and Sabah, Basilan Island, Palawan, Zamboanga del Sur and Norther Celebes in Indonesia. These areas are stressed because the Tausugs and Samalanos have settled in all these areas, and they listen to these stations because it is the only station they understand as it gives them the news from home in Tausug and giving them the music of their own culture.

The purpose of this peace advocate establishment is to put up communication facilities that would promote the growth of the individuals economically, socially and politically by bringing these inhabitants of the state or Republic closer and more informed.

The renewal of the franchise of STBFI will allow it to continue serving its areas of interest and its people. It is through communication facilities that help keep the people participate in our democratic system and be part of the mainstream society by providing them news, information and public affairs.

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


JOSE "PINGPING" I. TEJADA
3rd District, Province of Cotabato

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HOUSE OF REPRESENTATIVES
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HOUSE BILL NO. 5827

INTRODUCED BY REPRESENTATIVE JOSE "PINGPING" I. TEJADA

AN ACT

RENEWING THE FRANCHISE GRANTED TO SULU-TAWI-TAWI BROADCASTING FOUNDATION, INC. UNDER REPUBLIC ACT NO. 8082 ENTITLED "AN ACT GRANTING A FRANCHISE TO SULU-TAWI-TAWI BROADCASTING FOUNDATION, INC., TO CONSTRUCT, OPERATE AND MAINTAIN STATIONS FOR RADIO AND TELEVISION IN THE PROVINCES OF SULU AND TAWI-TAWI, AND FOR OTHER PURPOSES" FOR ANOTHER TWENTY-FIVE (25) YEARS FROM EFFECTIVITY OF THIS ACT.

1 **Section 1. Nature and Scope of Franchise.** – Subject to the provisions of the 1987
2 Philippine Constitution and applicable laws, rules and regulations, the franchise granted to Sulu-
3 Tawi-Tawi Broadcasting Foundation, Inc., hereunder referred to as the grantee, its successors or
4 assigns, under Republic Act No. 8082 entitled "AN ACT GRANTING A FRANCHISE TO SULU-TAWI-
5 TAWI BROADCASTING FOUNDATION, INC., TO CONSTRUCT, OPERATE AND MAINTAIN STATIONS
6 FOR RADIO AND TELEVISION IN THE PROVINCES OF SULU AND TAWI-TAWI, AND FOR OTHER
7 PURPOSES", to construct, install, operate, and maintain for commercial purposes and in the
8 public interest, radio and/or television broadcasting stations in the provinces of Sulu and Tawi-
9 Tawi, at such places as the grantee may select and the National Telecommunications Commission
10 may approve with the corresponding technological auxiliaries and facilities, special broadcast
11 and other program and distribution services and relay stations, and to install radio
12 communication facilities for the grantee's private use in its broadcast services, is hereby renewed
13 for another twenty-five (25) years from the effectivity of this Act.
14

15 **Section 2. Manner of Operation of Stations or Facilities.** – The stations or facilities of the
16 grantee shall be constructed and operated in a manner as will, at most, result only in the
17 minimum interference on the wavelengths or frequencies of existing stations or other stations
18 which may be established by law, without in any way diminishing its own right to use its selected
19 wavelengths or frequencies and the quality of transmission or reception thereon as should
20 maximize rendition of the grantee's services and/or the availability thereof.

21
22 **Section 3. Prior Approval of the National Telecommunications Commission.** – The
23 grantee shall secure from the National Telecommunications Commission (NTC) the appropriate
24 permits and licenses for its stations and shall not use any frequency in the radio/television
25 spectrum without authorization from the NTC. The NTC, however, shall not unreasonably
26 withhold or delay the grant of any such authority.
27

28 **Section 4. Responsibility to the Public.** – The grantee shall provide adequate public
29 service time to enable the government, through the said broadcasting stations or facilities, to
30 reach the population on important public issues; provide at all times sound and balanced
31 programming; assist in the functions of public information and education; conform to the ethics
32 of honest enterprise; and not use its stations and facilities for the broadcasting of obscene and
33 indecent language, speech, act or scene, or for the dissemination of deliberately false
34 information or willful misrepresentation, to the detriment of the public interest, or to incite,
35 encourage, or assist in subversive or treasonable acts.
36

37 **Section 5. Right of Government.** – A special right is hereby reserved to the President of
38 the Philippines, in times of war, rebellion, public peril, calamity, emergency, disaster or
39 disturbance of peace and order, to temporarily take over and operate the stations or facilities of
40 the grantee; to temporarily suspend the operation of any station or facility in the interest of
41 public safety, security and public welfare; or to authorize the temporary use and operation
42 thereof by any agency of the government, upon due compensation to the grantee, for the use of
43 its stations or facilities during the period when they shall be so operated.
44

45 The radio spectrum is a finite resource that is part of the national patrimony and the use
46 thereof is a privilege conferred upon the grantee by the State and may be withdrawn anytime
47 after due process.
48

49 **Section 6. Term of Franchise.** – This franchise shall be in effect for a period of twenty-five
50 (25) years from the effectivity of the Act, unless sooner revoked or cancelled. This franchise shall
51 be deemed *ipso facto* revoked in the event the grantee fails to operate continuously for two (2)
52 years.
53

54 **Section 7. Acceptance and Compliance.** – Acceptance of this new franchise shall be given
55 in writing to the Congress of the Philippines, through the Committee on Legislative Franchises of
56 the House of Representatives and the Committee on Public Services of the Senate, within sixty
57 (60) days from the effectivity of this Act. Upon giving such acceptance, the grantee shall exercise
58 the privileges granted under this Act. Non-acceptance shall render the franchise void.
59

60 **Section 8. Self-regulation by and Undertaking of Grantee.** – The grantee, its successors
61 or assigns shall be liable to pay the same taxes on their real estate, buildings and personal
62 property, exclusive of this franchise, as other persons or corporations are now or hereafter may
63 be required by law to pay. In addition thereto, the grantee, its successors or assigns shall pay a
64 franchise tax at such percentage as may be prescribed by law on all gross receipts of the
65 radio/television business transacted under this franchise by the grantee, its successors or assigns.
66 *Provided*, that the grantee, its successors or assigns shall continue to be liable for income taxes

payable under Title II of the National Internal Revenue Code pursuant to Section 2 of Executive Order No. 72 unless the latter enactment is amended or repealed, in which case the amendment or repeal shall be applicable thereto.

The grantee shall file the return with and pay the tax due thereon to the Commissioner of Internal Revenue or his duly authorized representative in accordance with the National internal Revenue Code and the return shall be subject to audit by the Bureau of Internal Revenue.

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, etc. – The grantee shall not lease, transfer, grant the usufruct of, sell or assign this franchise nor the rights and privileges acquired thereunder to any person, firm, company, corporation or other commercial or legal entity, nor shall the controlling interest of the grantee be transferred to any such private person, firm, company, corporation or entity without the prior 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 12. 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 13. 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 14. 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 15. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved: