

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 6902



Introduced by Representative Ron P. Salo

EXPLANATORY NOTE

Article XVI, Sec. 11 of the 1987 Constitution provides that *"(t)he ownership and management of mass media shall be limited to citizens of the Philippines, or to corporations, cooperatives or associations, wholly-owned and managed by such citizens."*

Although not expressly provided under our organic law, the framers of our Constitution recognize the very important role that mass media plays in nation building, in creating a cohesive and coherent Filipino consciousness, and in promoting our culture. With such crucial role, the members of the 1986 Constitutional Commission limited the ownership and management of such entities to Filipino citizens and juridical entities managed by Filipinos.

Over the years, many of us have witnessed the decline in the quality of entertainment being offered by some of the biggest names in the entertainment industry. Some opine that our favorite noontime shows hardly reflect the deep cultural heritage of the Filipino people, nor promote positive Filipino values.

Others also notice biased news reporting by certain media organizations and personalities which tend to promote the interest of certain groups, allowing themselves to be used as peddlers of misinformation, and thus creates confusion and division among the people.

Finally, some opine that the focus and driving force behind the operations of most media outfits is the revenue and net profit, or the so called "bottom line figures," having little regard for public service. The Filipino viewers are left to watch infinite advertisements from a very finite daily airtime, making their viewing experience highly commercialized.

With the above disquisitions, I respectfully propose seven (7) highly important parameters with which our television and radio grantees shall be measured within the period of the franchise. This shall be primarily implemented by the NTC to make sure that within the life of the franchise, accountability must define the continuing relevance of the grantees. Otherwise, the owners and officers may be penalized, or their

programs may be suspended, or ultimately their franchise may be recommended to Congress for revocation.

The passage of this measure, through the support of my esteemed colleagues in this august body, will assure us a better viewing experience that will lead to better informed Filipinos with deeply-shared consciousness and culture.

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


RON P. SALO
KABAYAN Party List

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AN ACT
REQUIRING ALL FRANCHISE HOLDERS OF TELEVISION AND RADIO
BROADCAST NETWORKS TO COMPLY WITH CERTAIN SPECIFIC
PARAMETERS AND FOR OTHER PURPOSES

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

SEC. 1. Short Title. – This Act shall be known as the “Performance Standards for Media Franchise Holders Act.”

SEC. 2. Declaration of Policy – The State affirms the important role of mass media in national development, in the promotion of the country's rich cultural heritage, and in providing timely, accurate and relevant information to the people. To this end, the State hereby provides the necessary performance standards for franchise holders of television and broadcast networks.

SEC. 3. Performance Standards – For the purpose of this Act, the following shall be the set of Performance Standards that each franchise holder of television and radio broadcast networks must strictly comply and adhere to:

1. Strict compliance with the Constitution, statutes, rules and regulations, including labor laws and standards.
2. Promotion of employment and security of tenure. The holder of television broadcast franchise shall ensure that at least sixty percent (60%) of its employees are regular employees and in no case shall the percentage of contractual employees, job orders, casuals, talents and independent contractors combined, exceed forty percent (40%) of its total workforce.

In addition, the holder of the broadcast franchise shall submit an annual report of its regularized employees and secure a compliance and clearance

certificate from the Department of Labor (DOLE) and its relevant attached agencies.

3. Ensure impartial and balanced reporting. The holder of broadcast franchise shall ensure that news and events are reported accurately and truthfully, and that all parties involved in such news or events are allowed equal time and opportunity for information-sharing.
4. Promotion of positive Filipino values. The holder of broadcast franchise shall ensure that all its programs, including its talents and the languages used by its talents, are geared towards the promotion of positive Filipino values. The Movie and Television Review and Classification Board (MTRCB) shall actively monitor compliance on this aspect.
5. Provision of public service time. Public service time referred herein shall be equivalent to ten percent (10%) of the paid commercials or advertisements which shall be allocated based on need to the executive, legislative, judiciary, constitutional commissions and international humanitarian organizations duly recognized by statutes; Provided, That the NTC shall increase the public service time in case of 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.
6. Strengthened self-regulation of contents. The holder of broadcast franchise shall ensure that within its organization, there is in place a strong mechanism that will regulate its contents. Consistent with this provision, it shall not allow to be aired any speeches, plays, acts or scenes, or other materials through broadcast and/or telecast if the tendency thereof is to propose and/or incite treason, rebellion or sedition; or the language used therein or the theme or behavior/action of talents is immoral or indecent.
7. Reasonable and equitable rate for election advertisements. The holder of broadcast franchise shall ensure that the rate for election advertisement is reasonable and equitable to allow all candidates, particularly those seeking national elective positions, equal opportunity to present programs of government to the electorate. The Commission on Elections (COMELEC), shall promulgate the guidelines for the implementation of this performance standard.

SEC. 4. Institutional Plan of Action for Responsibility and Accountability

– The NTC, in coordination with the Department of Budget and Management, DOLE, MTRCB, COMELEC and relevant stakeholders, shall develop an Institutional Plan of Action for Responsibility and Accountability (IPARA) which shall flesh-out the aforementioned parameters, and will be the basis for monitoring the compliance of all franchise holders of television and radio broadcast networks. This plan shall include corporate social responsibility initiatives on the improvement of labor policies, charitable works, education and research, culture and corporate policies beneficial to the environment.

SEC. 5. Filing of Complaint – Any aggrieved person may file a complaint with the NTC for any violation of this Act and/or the legislative franchise. The said complaint shall be filed in accordance with the Rules of Practice and Procedure before the NTC.

SEC. 6. Administrative Sanctions - Any violation of this Act and/or the terms or conditions of the legislative franchise shall be dealt with in accordance with the administrative sanctions as provided herein:

1. First Offense – a fine not exceeding One Hundred Thousand Pesos (P100,000.00) depending on the gravity of the offense and/or suspension or discontinuance of the program.
2. Second Offense – a fine not exceeding Five Hundred Thousand Pesos (P500,000.) depending on the gravity of the offense and/or suspension or discontinuance of the program.
3. Third Offense – a fine not exceeding One Million Pesos (P1,000,000.00) depending on the gravity of the offense and/or suspension or discontinuance of the program.

SEC. 7. Gross Violation of the Terms and Conditions of the Franchise and of the Performance Standards. – In cases of gross violation by the grantee of the terms and conditions of its franchise or of the performance standards specified herein, the NTC may recommend 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, for the revocation of the franchise.

SEC. 8 Separability Clause. – If any provision or portion of this Act is declared unconstitutional, the remainder of this Act or any provision not thereby affected shall remain in full force and effect.

SEC. 9. Repealing Clause. – All laws, decrees, executive orders, ordinances, rules, regulations, or other issuances, or parts thereof which are inconsistent with any of the provisions of this Act are hereby repealed, amended, and/or modified accordingly.

SEC. 10. Implementing Rules and Regulations. – The NTC, COMELEC, DOLE and MTRCB shall issue the Implementing Rules and Regulations (IRR) within sixty (60) days from the effectivity of this Act.

SEC. 11. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.