

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

First Regular Session
SEVENTEENTH CONGRESS

House Resolution No. **4118**



Introduced by: **REP. SETH FREDERICK P. JALOSJOS**

EXPLANATORY NOTE

This bill seeks to grant renewal of Franchise to **FIRST LOVE BROADCASTING NETWORK INCORPORATED**, granted under **R.A. NO. 8100** Entitled: **" AN ACT GRANTING THE FIRST LOVE BROADCASTING NETWORK, INC., A FRANCHISE TO CONSTRUCT, ESTABLISH, OPERATE AND MAINTAIN COMMERCIAL FM AND AM RADIO STATIONS AND TELEVISION IN THE VISAYAS AND MINDANAO.**

With more than two (2) decades on the air, the **First Love Broadcasting Network, Inc.**, is a tool for news, public information, music and entertainment within its frequency coverage of Visayas and Mindanao.

It is deemed necessary to grant the **First Love Broadcasting Network Inc.**, another **twenty five (25) year** franchise renewal to continue its public service, hence, approval of this bill is earnestly sought.


SETH FREDERICK P. JALOSJOS

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
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SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 4118

Introduced by REPRESENTATIVE SETH FREDERICK P. JALOSJOS

AN ACT

RENEWING THE FRANCHISE GRANTED TO FIRST LOVE BROADCASTING NETWORK, INC., UNDER REPUBLIC ACT. NO. 8100 ENTITLED "AN ACT GRANTING THE FIRST LOVE BROADCASTING NETWORK, INC., A FRANCHISE TO CONSTRUCT, ESTABLISH, OPERATE AND MAINTAIN COMMERCIAL FM AND AM RADIO STATIONS AND TELEVISION STATIONS IN THE VISAYAS AND MINDANO" FOR ANOTHER TWENTY-FIVE (25) YEARS FROM THE EFFECTIVITY OF THIS ACT

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

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
3 First Love Broadcasting Network, Inc. , hereunder referred to as the grantee, its successors or
4 assignees under Republic Act No. 8100 entitled "An act granting the First Love Broadcasting
5 Network, Inc., a franchise to construct, establish, operate and maintain commercial FM and AM
6 radio stations in the Visayas and Mindanao", to construct, install, establish, operate, and
7 maintain for commercial purposes and in the public interest, radio and/or television
8 broadcasting stations, where frequencies and/or channels are still available for radio and/or
9 television broadcasting, including digital television system, through microwave satellite or
10 whatever means, including the use of any new technologies in television and radio systems, with
11 the corresponding technological auxiliaries and facilities, special broadcast and other program
12 and distribution services and relay stations in the Visayas and Mindanao is hereby renewed for
13 another twenty-five (25) Years from the effectivity of this Act.

14 Sec 2. *Manner of Operation of Stations or Facilities*.- The stations or facilities of the
15 grantee shall be constructed and operated in a manner as will, at most, result only in the
16 minimum interference on the wavelengths of frequencies of existing stations or other stations

1 which may be established by law, without in any way diminishing its own privilege to use its
2 assigned wavelengths or frequencies and the quality of transmission or reception thereon as
3 should maximize rendition of the grantee's services and/or the availability thereof.

4 SEC. 3 Prior Approval of the National Telecommunications Commission- The grantee
5 shall secure from the National Telecommunications Commission (NTC) the appropriate permits
6 and licences for the construction and operation of its stations and facilities and shall not use any
7 frequency in the radio/television spectrum without authorization from the NTC. The NTC,
8 however, shall not unreasonably withhold or delay the grant of any such authority.

9 SEC. 4 *Responsibility to the Public*- The grantee shall provide adequate public service
10 time to enable the government, through the said broadcasting stations or facilities, to reach the
11 population on important public issues, provide at all times sound and balanced programming;
12 assist in the functions of public information and education; conform to the ethics of honest
13 enterprise; and not use its stations and facilities for the broadcasting of obscene and indecent
14 language, speech, act or scene, or for the dissemination of deliberately false information or
15 wilful misrepresentation, to the detriment of the public interest, or to incite, encourage, or
16 assist in subversive or treasonable acts.

17 SEC. 5 *Right of Government*- A special right is hereby reserved to the President of the
18 Philippines, in times of war, rebellion, public peril, calamity, emergency, disaster or disturbance
19 of peace and order, to temporarily take over and operate the stations or facilities of the grantee
20 to temporarily suspend the operation of any stations or facility in the interest of public safety,
21 security and public welfare; or to authorize the temporary use and operation thereof by any
22 agency of the government, upon due compensation to the grantee, for the use of its stations or
23 facilities during the period when they shall be so operated.

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

4 SEC. 6 *Term of Franchise.*- This franchise shall be in effect for a period of twenty-five (25)
5 years from the effectivity of the Act, unless sooner revoked or cancelled. This franchise shall be
6 deemed *ipso facto* revoked in the event the grantee fails to operate continuously for two (2)
7 years.

8 SEC. 7 *Acceptance and Compliance.*- Acceptance of this new franchise shall be given in
9 writing to the Congress of the Philippines, through the Committee on Legislative Franchise of
10 the House of Representatives and the Committee on Public Services of the Senate, with sixty(60)
11 days from the effectivity of this Act. Upon giving such acceptance, the grantee shall Exercise the
12 privileges granted under this Act. Nonacceptance shall render the franchise void.

13 SEC. 8 *Self-regulation by and Undertaking of Grantee.* - The grantee shall not require any
14 previous censorship of any speech, play, act or scene, or other matter to be broadcast from its
15 stations: Provided, That the grantee, during any broadcast, shall cut off from the air the speech,
16 play, act or scene, or other matter being broadcast if the tendency thereof is to propose and/or
17 incite treason, rebellion or sedition; or the language used therein or the theme thereof is
18 indecent or immoral: Provided , further, That wilful failure to do so shall constitute a valid cause
19 for the cancellation of this franchise.

20 SEC. 9 *Warranty in Favor of National and Local Governments.*- The grantee shall hold the
21 national, provincial, city and municipal governments of the Philippines free from all claims,
22 accounts, demands, or actions arising out of accidents or injuries, whether to property or to
23 persons, caused by the construction or operation of the stations of the grantee.

1 SEC. 10 *Sale, Lease, Transfer, Grant of Usurfruct, or Assignment of Franchise.*- The
2 grantee shall not lease, transfer, grant the usufruct of, sell nor assign this franchise or the rights
3 and privileges acquired thereunder to any person, firm, company, corporation or other
4 commercial or legal entity, nor merge with any other corporation or entity, nor shall transfer the
5 controlling interest of the grantee, whether as a whole or in parts, and whether simultaneously
6 or contemporaneously, to any such person, firm, company, corporation or entity without the
7 prior approval of the Congress of the Philippines: Provided, That Congress shall be informed of
8 any sale, lease, transfer, grant of usufruct of, or assignment of franchise or the rights or
9 privileges acquired thereunder, or the merger or transfer of the controlling interest of the
10 grantee, within sixty (60) days after the completion of said transaction: Provided, further. That
11 failure to report to congress such change of ownership shall render the franchise *ipso facto*
12 revoked. Provided, finally, That any person or entity to which this franchise is sold, transferred
13 or assigned, shall be subject to the same conditions, terms, restrictions, and limitations of the
14 Act.

15 SEC. 11 *Dispersal of Ownership.*- In accordance with the constitutional provision to
16 encourage public participation in public utilities, the grantee shall offer to Filipino citizens at
17 least thirty percent (30%) or a higher percentage that may hereafter be provided by law of its
18 outstanding capital stock in any securities exchange in the Philippines within five (5) years from
19 the commencement of its operations. Provided, That in cases where public offer of shares is not
20 applicable, establishment of cooperatives and other methods of encouraging public
21 participation by citizens and corporations operating public utilities must be implemented.
22 Noncompliance therewith shall render the franchise *ipso facto* revoked.

23 SEC. 12 *General Broadcast Policy Law.*- The grantee shall comply with and be subject to
24 the provisions of a general broadcast policy law, which Congress may hereafter enact.

1 SEC. 13 *Reportorial Requirement.*- The grantee shall submit an annual report to the
2 Congress of the Philippines, through the Committee on Legislative Franchises of the House of
3 Representatives and the Committee on Public Services of the Senate, on its compliance with the
4 terms and conditions of the franchise and on its operations on or before April 30 of every year
5 during the term of its franchise. The reportorial compliance certificate issued by Congress shall
6 be required before any application for permit or certificate is accepted by the NTC.

7 SEC. 14 *Penalty Clause.*- Failure of the grantee to submit the requisite annual report to
8 Congress will be penalized by a fine in the amount of Five hundred pesos (P500.00) per working
9 day of noncompliance. The fine will be collected by the NTC from the delinquent franchise
10 grantee separate from the reportorial penalties imposed by the NTC.

11 SEC. 15 *Equality Clause.*- Any advantage, favour, privilege, exemption, or immunity
12 granted under existing franchises, or which may hereafter be granted for radio and/or television
13 broadcasting, upon prior review and approval of Congress, shall become part of this franchise
14 and shall be accorded immediately and unconditionally to the herein grantee: Provided; That
15 the foregoing shall neither apply to nor affect the provisions of broadcasting franchises
16 concerning territory covered by the franchise, the life span of the franchise or the type of
17 service authorized by the franchise.

18 SEC. 16 *Separability Clause.*- If any of the sections or provisions of this Act is held invalid
19 all other provisions not affected thereby shall remain valid.

20 SEC. 17 *Repeatability and Nonexclusivity Clause* .- This franchise shall be subject to
21 amendment, alteration, or repeal by the Congress of the Philippines when the public interest so
22 requires and shall not be interpreted as an exclusive grant of the privileges herein provided for.

- 1 SEC. 18 *Effectivity*.- This Act shall take effect fifteen (15) days after its publication in the
2 Official Gazette or in a newspaper of general circulation.

Approved.