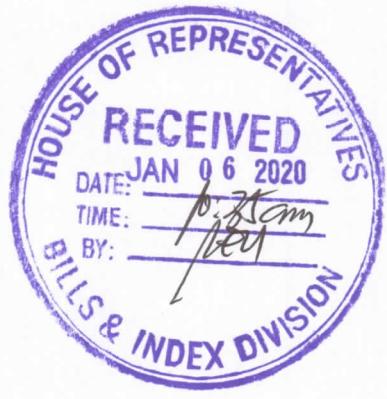


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session

639  
**RESOLUTION NO. \_\_\_\_\_**



Introduced by Representatives

EDCEL C. LAGMAN, MICAELA VIOLAGO, JOY MYRA TAMBUNTING, JOHNNY PIMENTEL, DOY LEACHON, JOCELYN LIMKAICHONG, EMMANUEL BILLONES, CHRISTOPHER "KIT" BELMONTE, FRANCE CASTRO, CARLOS ZARATE AND EUFEMIA CULLAMAT

**RESOLUTION URGING THE COMMITTEE ON LEGISLATIVE FRANCHISES TO REPORT OUT WITHOUT FURTHER DELAY FOR PLENARY ACTION A CONSOLIDATED VERSION OF EIGHT (8) PENDING BILLS PROPOSING FOR THE RENEWAL FOR ANOTHER TWENTY-FIVE (25) YEARS OF THE LEGISLATIVE FRANCHISE OF ABS-CBN CORPORATION**

**WHEREAS**, a unanimous Supreme Court, speaking through Chief Justice Reynato S. Puno, unequivocally held in ***Chavez vs. Gonzales and NTC*** (G.R. No. 168338, February 15, 2008) that the warnings of respondents Secretary of Justice Raul Gonzales and the National Telecommunications Commission (NTC) for radio and television media not to air the purported wiretapped "Garci tapes" under the pain of revocation of their certificates to operate have a "chilling effect" on press freedom and constitute "unconstitutional prior restraint on the exercise of freedom of speech and of the press.";

**WHEREAS**, in the aforesaid case, the Supreme Court also relevantly ruled that:

"In this jurisdiction, it is established that freedom of the press is crucial and so inextricably woven into the right to free speech and free expression, that any attempt to restrict it must be met with an examination so critical that only a danger that is clear and present would be allowed to curtail it."

"Indeed, we have not wavered in the duty to uphold this cherished freedom. We have struck down laws and issuances meant to curtail this right, as in *Adiong v. COMELEC*, *Burgos v. Chief of Staff, Social Weather Stations v. COMELEC*, and *Bayan v. Executive Secretary Ermita*. When on its face, it is clear that a governmental act is nothing more than a naked means to prevent the free exercise of speech, it must be nullified."

**WHEREAS**, in ***Chavez***, the High Court also underscored that:

"Much has been written on the philosophical basis of press freedom as part of the larger right of free discussion and expression. Its practical importance, though, is more easily grasped. It is the chief source of information on current affairs. It is the most pervasive and perhaps most powerful vehicle of opinion on public questions. It is the instrument by which citizens keep their government informed of their

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needs, their aspirations and their grievances. It is the sharpest weapon in the fight to keep government responsible and efficient. Without a vigilant press, the mistakes of every administration would go uncorrected and its abuses unexposed."

**WHEREAS**, the core or essence of **Chavez** is that absent a clear and present danger against the State, no prior restraint on press freedom can be countenanced;

**WHEREAS**, the repeated threats of President Rodrigo Duterte against the renewal of the franchise of ABS-CBN Corporation due to his personal grievances against the network giant constitute prior restraint on press freedom in the light of the **Chavez** decision because the chilling effect of said threats derogates the exercise of press freedom by ABS-CBN and other broadcast outlets desirous of seeking the maintenance as well as extension of their respective franchises at the proper time;

**WHEREAS**, the renewal of the ABS-CBN franchise is inextricably linked to the exercise of press freedom;

**WHEREAS**, a franchise is required for reasonable regulation of the operation of radio and television networks and is never intended to curtail the freedom of the press;

**WHEREAS**, the grant of a congressional franchise to a radio and/or television network does not reduce press freedom to an ordinary privilege subject to the unfettered discretion of the State or to the whims and caprices of officialdom;

**WHEREAS**, a franchise is an embodiment of the State's recognition of press freedom;

**WHEREAS**, while it is true that the Supreme Court in **Radio Communications of the Philippines, Inc. vs. National Telecommunications Commission and Kayumanggi Radio Network, Inc.** (G.R. No. L-68729, May 29, 1987) opined that a legislative franchise is a privilege, this statement must not be viewed out of context because the decision is limited to Radio Communications of the Philippines, Inc. (RCPI) operating in areas where it did not secure a prior certificate of convenience and necessity from the National Telecommunications Commission (NTC), and what RCPI did was wrong whether its franchise is a privilege or a right;

**WHEREAS**, a franchise is not a mere privilege because it ripens to a right once the conditions for its grant are substantially complied with;

**WHEREAS**, a franchisee is entitled to renewal of its franchise for another 25 years under the law after it has poured in billions of pesos in investments to effectively serve the public and comply with the conditions of its franchise;

**WHEREAS**, radio/television franchises are akin to a lessee who has the demandable right to a renewal of its lease contract with a renewal clause as ruled in **Manila International Airport Authority vs. Ding Velayo Sports Center, Inc.** (G.R. No. 161718, December 14, 2011), which renewal clause is similar to the 25-year renewal of franchises as provided for in pertinent laws;

**WHEREAS**, the preeminence of press freedom warranted its inclusion in the Bill of Rights in order to safeguard it from abridgement by the State;

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**WHEREAS**, as a private bill, a grant of franchise originates exclusively from the House of Representatives (Sec. 24, Art. VI of the 1987 Constitution). Hence, ever since, the House of Representatives has constituted and maintained a Committee on Legislative Franchises;

**WHEREAS**, many bills have been filed in the House of Representatives for a 25-year renewal of the franchise of ABS-CBN which was granted under R.A. 7966, to wit:

- During the 17<sup>th</sup> Congress, **House Bill No. 4349** entitled "AN ACT RENEWING THE FRANCHISE GRANTED TO ABS-CBN CORPORATION (FORMERLY ABS-CBN BROADCASTING CORPORATION) UNDER REPUBLIC ACT NO. 7966 OR 'AN ACT GRANTING ABS-CBN BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN BROADCASTING STATIONS IN THE PHILIPPINES, AND FOR OTHER PURPOSES' FOR TWENTY-FIVE (25) YEARS FROM THE EFFECTIVITY OF THIS ACT", authored by **Rep. Michaela S. Violago**;

- During the 18<sup>th</sup> Congress eight (8) bills were filed, namely: (1) **House Bill No. 676** entitled "AN ACT RENEWING THE FRANCHISE GRANTED TO ABS-CBN CORPORATION (FORMERLY ABS-CBN BROADCASTING CORPORATION) UNDER REPUBLIC ACT NO. 7966 OR 'AN ACT GRANTING ABS-CBN BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN BROADCASTING STATIONS IN THE PHILIPPINES, AND FOR OTHER PURPOSES' FOR TWENTY-FIVE (25) YEARS FROM THE EFFECTIVITY OF THIS ACT", authored by **Rep. Michaela S. Violago**; (2) **House Bill No. 3521** entitled "AN ACT RENEWING THE FRANCHISE GRANTED TO ABS-CBN CORPORATION UNDER REPUBLIC ACT NO. 7966 OTHERWISE KNOWN AS "AN ACT GRANTING ABS-CBN BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN TELEVISION AND RADIO BROADCASTING STATIONS IN THE PHILIPPINES, AND FOR OTHER PURPOSES FOR TWENTY-FIVE (25) YEARS FROM THE EFFECTIVITY OF THIS ACT", authored by **Rep. Rose Marie "Baby" Arenas**; (3) **House Bill No. 3713** entitled "AN ACT RENEWING THE FRANCHISE GRANTED TO ABS-CBN CORPORATION (FORMERLY ABS-CBN BROADCASTING CORPORATION) UNDER REPUBLIC ACT NO. 7966 OR 'AN ACT GRANTING ABS-CBN BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN BROADCASTING STATIONS IN THE PHILIPPINES, AND FOR OTHER PURPOSES' FOR TWENTY-FIVE (25) YEARS FROM THE EFFECTIVITY OF THIS ACT", authored by **Rep. Joy Myra S. Tambuting**; (4) **House Bill No. 3947** entitled "AN ACT RENEWING THE FRANCHISE GRANTED TO ABS-CBN CORPORATION (FORMERLY ABS-CBN BROADCASTING CORPORATION) UNDER REPUBLIC ACT NO. 7966 OR 'AN ACT GRANTING ABS-CBN BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN BROADCASTING STATIONS IN THE PHILIPPINES, AND FOR OTHER PURPOSES' FOR TWENTY-FIVE (25) YEARS FROM THE EFFECTIVITY OF THIS ACT", authored by **Rep. Sol Aragones**; (5) **HB No. 4305** entitled "AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO ABS-CBN BROADCASTING CORPORATION, PRESENTLY KNOWN AS ABS-CBN CORPORATION, UNDER REPUBLIC ACT NO. 7966, ENTITLED "AN ACT GRANTING THE ABS-CBN BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN TELEVISION AND RADIO BROADCASTING STATIONS IN THE PHILIPPINES", AND FOR OTHER PURPOSES", authored by **Rep. Vilma Santos-Recto**; (6) **House Bill No. 5608** entitled "AN ACT RENEWING THE FRANCHISE GRANTED TO ABS-CBN CORPORATION (FORMERLY ABS-CBN BROADCASTING CORPORATION) UNDER REPUBLIC ACT NO. 7966 OR 'AN ACT GRANTING ABS-CBN BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN BROADCASTING

STATIONS IN THE PHILIPPINES, AND FOR OTHER PURPOSES' FOR TWENTY-FIVE (25) YEARS FROM THE EFFECTIVITY OF THIS ACT", authored by Rep. Aurelio "Dong" Gonzales, Jr., Rep. Johnny Ty Pimentel and Rep. Doy C. Leachon; (7) **House Bill No. 5705** entitled "AN ACT RENEWING THE FRANCHISE GRANTED TO ABS-CBN CORPORATION (FORMERLY ABS-CBN BROADCASTING CORPORATION) UNDER REPUBLIC ACT NO. 7966 OR 'AN ACT GRANTING ABS-CBN BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN BROADCASTING STATIONS IN THE PHILIPPINES, AND FOR OTHER PURPOSES' FOR TWENTY-FIVE (25) YEARS FROM THE EFFECTIVITY OF THIS ACT", authored by Rep. Rufus B. Rodriguez; and (8) **House Bill No. 5753** entitled "AN ACT RENEWING THE FRANCHISE GRANTED TO ABS-CBN CORPORATION (FORMERLY ABS-CBN BROADCASTING CORPORATION) UNDER REPUBLIC ACT NO. 7966 OR 'AN ACT GRANTING ABS-CBN BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN BROADCASTING STATIONS IN THE PHILIPPINES, AND FOR OTHER PURPOSES' FOR TWENTY-FIVE (25) YEARS FROM THE EFFECTIVITY OF THIS ACT", authored by Rep. Josephine Ramirez-Sato;

**WHEREAS**, all of these bills have not been acted upon by the Committee on Legislative Franchises and no single hearing has been held on these bills before the Congress went on Christmas recess possibly due to President Duterte's objection to subject renewal;

**WHEREAS**, as the franchise of ABS-CBN expires on March 30, 2020 or very soon thereafter, time is of the essence since the Congress has only 24 regular session days from its resumption on January 20, 2020 to its Holy Week adjournment starting on March 14, 2020 to May 3, 2020;

**WHEREAS**, the freedom of the press is corollary to the people's right to information and the decimation of press freedom amounts to the demise of the people's right to know;

**WHEREAS**, a free press is vital to a democratic society because it not only guarantees the publication and broadcast of a diversity of voices and opinions, it also holds those in power accountable;

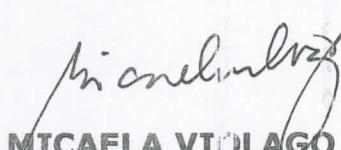
**WHEREAS**, it is of critical immediacy for the leadership and membership of the House of Representatives to uphold and respect the freedom of the press as an indispensable component of the freedom of expression and free speech;

**WHEREAS**, the Committee on Legislative Franchises must not temporize or delay the consideration and consolidation of the eight (8) pending bills proposing for a 25-year renewal of the franchise of ABS-CBN Corporation.

**NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, that this Resolution entitled "RESOLUTION URGING THE COMMITTEE ON LEGISLATIVE FRANCHISES TO REPORT OUT WITHOUT FURTHER DELAY FOR PLENARY ACTION A CONSOLIDATED VERSION OF EIGHT (8) PENDING BILLS PROPOSING FOR THE RENEWAL FOR ANOTHER TWENTY-FIVE (25) YEARS OF THE LEGISLATIVE FRANCHISE OF ABS-CBN CORPORATION" be immediately referred to the Committee on Legislative Franchises for forthwith consideration and action.

*Adopted,*

  
EDCEL C. LAGMAN

  
MICAELA VIOLAGO



JOY MYRA TAMBUNTING

DOY LEACHON

EMMANUEL BILLONES

FRANCE CASTRO

JOHNNY PIMENTEL

JOCELYN LIMKAICHONG

*Jocelyn Limkaichong*  
CHRISTOPHER "KIT" BELMONTE

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EUFEMIA CULLAMAT



JOY MYRA TAMBUNTING

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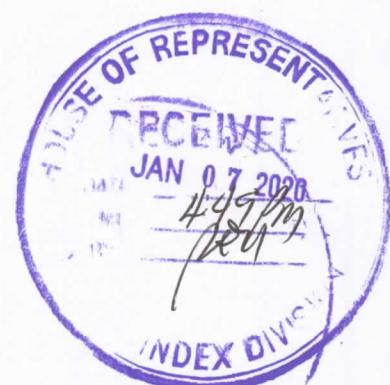
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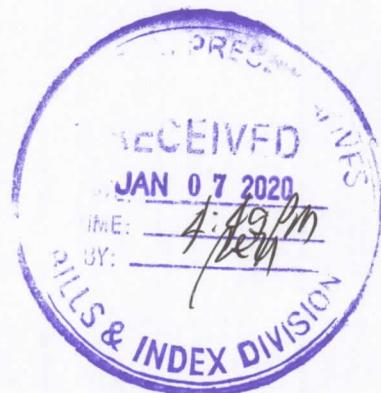
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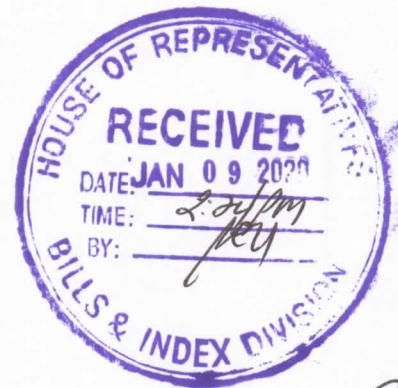
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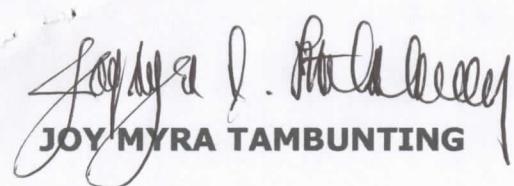
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