

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Joint Resolution No. 30

JOINT RESOLUTION

GRANTING PROVISIONAL FRANCHISE TO ABS-CBN CORPORATION TO OPERATE
UNTIL JUNE 30, 2022

WHEREAS, Section 4, Article III of the 1987 Constitution provides that, "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances";

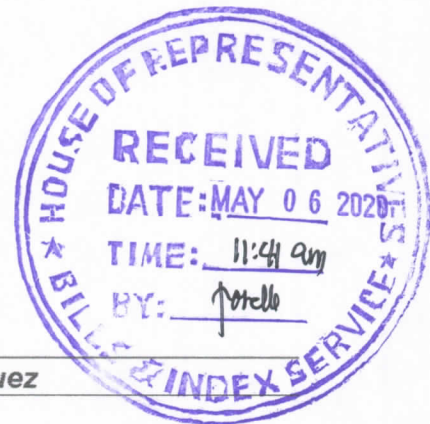
WHEREAS, Section 11, Article XI of the 1987 Constitution provides that, "...Neither shall any such franchise or right be granted except under the condition that it shall be subject to amendment, alteration, or repeal by the Congress when the common good so requires";

WHEREAS, Republic Act No. 7966 grants ABS-CBN Broadcasting Corporation a franchise to "construct, install, operate and maintain, for commercial purposes and in the public interest, television and radio broadcasting stations in and throughout the Philippines, through microwave, satellite, or whatever means including the use of any new technologies in television and radio systems, with the corresponding technological auxiliaries or facilities, special broadcast and other broadcast distribution services and relay stations";

WHEREAS, according to Justice Secretary Menardo Guevarra, the above franchise will expire on May 4, 2020 because "Republic Act No. 7966, the law that granted the company license to operate for 25 years, became effective 15 days from the date of its publication in 1995 and Though the law was enacted on March 30, 1995, the franchise was only published on April 19, 1995, and "For that reason, the franchise will expire on May 4, 2020";

WHEREAS, unfortunately, the franchise did expire and ABS-CBN went off the air May 5, 2020;

WHEREAS, according further to Secretary Guevarra, ABS-CBN's broadcast franchise authorized the network to introduce a pay-per-view feature and the phrase "commercial purposes" in ABS-CBN's franchise was "broad enough" to allow the PPV feature;



WHEREAS, the Bureau of Internal Revenue (BIR) said that ABS-CBN had fully complied with the tax requirements of the government and that "They are regularly filing and paying their taxes for the past number of years";

WHEREAS, Simplicio Cabantac Jr, BIR Large Taxpayers Service head said that ABS-CBN paid at least P14.398 billion from 2016 to 2019;

WHEREAS, Former ABS-CBN corporate services head Mark Nepomuceno said the Department of Labor and Employment had just cleared the media giant for its compliance with general labor standards, occupational safety and health, and security of tenure;

WHEREAS, the Securities and Exchange Commission (SEC) has stated that as far as it is concerned, ABS-CBN has so far not committed any violations with regards to the constitutional restrictions on foreign ownership;

WHEREAS, SEC Commissioner Ephyro Luis Amatong explained that a legal interpretation from 1999 stated that PDRs were not equivalent to certificates of ownership. However, jurisprudence on the definition of PDRs – whether they amount to ownership similar to shares of stock – has evolved in recent years”;

WHEREAS, the House of Representatives has yet to tackle the 12 bills filed (HB 676, HB 3064, HB 3521, HB 3713, HB 3947, HB 4305, HB 5608, HB 5705, HB 5753, HB 6052, HB 6138, and HB 6293) renewing the franchise of ABS-CBN for another 25 years;

WHEREAS, both the House of Representatives and the Senate need additional time to review, assess and determine whether or not ABS-CBN shall be granted a new franchise;

Now, therefore, be it RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE IN CONGRESS ASSEMBLED, To grant a Provisional Franchise to ABS-CBN to operate until June 30, 2022.

Adopted,


RUFUS B. RODRIGUEZ