

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

6346

HOUSE BILL NO. _____



Introduced by Honorable Mark O. Go

EXPLANATORY NOTE

The University of the Philippines (UP) has long established itself as an institution of academic excellence in higher education in the country. As the country's national university and a center of higher learning, it is mandated to deliver integrative and quality service to both the academic community and the Filipino people, as stated in its own Charter. DZUP, UP Diliman's radio broadcasting station, is one of those initiatives.

Managed by the College of Mass Communication, the campus radio station, at present, does not only serve as an academic laboratory for Broadcast Communication majors. It also aids as a means of expression for the general public. Its programs are variably customized to suit various ages and cater interest groups, all to reach and bridge the UP community, the national citizenry, and its international neighbors.

As the community radio of the UP's flagship campus, DZUP has been operating in the air waves for more than sixty (60) years. Having stood the test of time and history, DZUP, as it was envisioned to be, continues to serve as the "Voice of the University" where everyone is heard and has the chance to be heard. "Kasali ka!", its forefronting slogan, encourages all members of the general public—the students, academe, Filipino citizens, and the administration—to engage in *matinong usapan para sa maunlad na bayan*, with its programs range from music programs to informative talk show segments.

Through Republic Act No. 8160, the University of the Philippines was granted a 25-year franchise, which shall expire on September 23, 2020. This mandates the institution to conduct, establish, maintain, and operate radio and television broadcasting stations, such as DZUP, for educational and other related purposes. This bill seeks to renew its franchise for the University to continue performing its significant contribution to the UP community and the engaging public in initiating and facilitating a free and intelligent discourse.

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


MARK O. GO

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AN ACT
RENEWING THE FRANCHISE GRANTED TO THE UNIVERSITY OF THE
PHILIPPINES SYSTEM TO CONSTRUCT, ESTABLISH, MAINTAIN, AND
OPERATE FOR EDUCATIONAL AND OTHER RELATED PURPOSES,
RADIO AND TELEVISION BROADCASTING STATIONS WITHIN THE
UNIVERSITY OF THE PHILIPPINES AND IN SUCH OTHER AREAS WITHIN
THE SCOPE OF ITS OPERATION, UNDER REPUBLIC ACT NO. 8160, TO
ANOTHER TWENTY-FIVE (25) YEARS

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

SEC. 1. *Nature and Scope of Franchise.* – Subject to the provisions of the 1987 Philippine Constitution and applicable laws, rules and regulations, the franchise granted to the University of the Philippines under Republic Act No. 8160, entitled “An Act Granting the University of the Philippines System a Franchise to Construct, Establish, Maintain, and Operate for Educational, and Other Related Purposes Radio and Television Broadcasting Stations Within the University of the Philippines and in Such Other Areas Within the Scope of Its Operation,” and hereunder referred to as the grantee, is hereby renewed for another twenty-five (25) years from the effectivity of this Act.

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

SEC. 3. *Responsibility to the Public.* - The grantee shall provide adequate public service time to enable the government, through the said broadcasting stations or facilities, to reach the population on important public issues and announcement; provide at all times sound and balanced programming; promote public participation; assist in the functions of public information and education; conform to the ethics of honest enterprise; and not use its stations for the broadcasting of obscene and indecent language, speech, act or scene, or for the dissemination of deliberately false information or willful misrepresentation to the detriment of public interest, or to incite, encourage, or assist in subversive or treasonable acts.

balanced programming; promote public participation; assist in the functions of public information and education; conform to the ethics of honest enterprise; and not use its stations for the broadcasting of obscene and indecent language, speech, act or scene, or for the dissemination of deliberately false information or willful misrepresentation to the detriment of public interest, or to incite, encourage, or assist in subversive or treasonable acts.

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

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

SEC. 6. *Term of Franchise.* - This franchise shall be in effect for a period of twenty-five (25) years from the date of effectivity of this Act. This franchise shall be deemed *ipso facto* revoked in the event the grantee fails to operate continuously for two (2) years.

SEC. 7. *Acceptance and Compliance.* - Acceptance of this renewed franchise shall be given in writing by the grantee within sixty (60) days after approval of this Act. Refusal or failure to accept the franchise or to operate within the prescribed period shall render this franchise void.

SEC. 8. *Tax Provision.* - Being a part of the government, the grantee shall be exempt from paying all taxes and fees.

SEC. 9. *Warranty in Favor of National and Local Governments.* - The grantee shall hold the national, provincial, and municipal governments of the Philippines harmless 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.

SEC. 10. *Sale, Lease, Transfer, Usufruct, etc.* - The grantee shall not lease, transfer, grant the usufruct of, sell, nor assign this franchise or the rights and privileges acquired thereunder to any person, firm, company, corporation or other commercial or legal entity, without the 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, and limitations of this Act.

SEC. 11. *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 and/or telecast from its stations: *Provided*, that the grantee, during any broadcast and/or telecast, shall cut off from the air any speech, play, act or scene, or other matter being 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 thereof is indecent or immoral, and willful failure to do so shall constitute a valid cause for the cancellation of this franchise.

SEC. 12. *General Broadcast Policy.* – The grantee shall comply with and be subject to the provision of a general broadcast policy law that may hereinafter be enacted.

SEC. 13. *Reportorial Requirement.* – The grantee shall submit an annual report 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 Philippine Senate, on its compliance with the terms and conditions of the franchise and its operations within sixty (60) days from the end of every year.

SEC. 14. *Separability Clause.* – Should any provision of this Act be declared unconstitutional, the remainder thereof not otherwise affected shall remain in full force and effect.

SEC. 15. *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.

SEC. 16. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,