

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session



HOUSE BILL NO. 6138

Introduced by Honorable Mark O. Go

EXPLANATORY NOTE

Broadcast media plays an important role in shaping the development of every modern day society. More than just providing entertainment and recreation, broadcast media has become an ubiquitous source of valuable information which helps create an informed and critical citizenry. In our country, broadcast media is instrumental in bridging and unifying Filipinos separated by territorial waters, topography, culture, ethno-linguistic identity, and socio-economic background. Broadcast media has always been a partner of Filipino families and institutions in passing along generations our cultural heritage and distinct values and principles.

Through the years, broadcast media has been the Filipinos' primary source of information in every natural calamity, terror attack, and public health concern that hit our nation. It has always been at the forefront of mobilizing our countrymen in soliciting donations and joining relief operations during challenging times. In multiple occasions, broadcast media was instrumental in realizing necessary policy reforms. By shedding light on important issues and advocacies, engaging the public in national discussions, and rallying support for meaningful change, broadcast media has been instrumental in crafting the political, economic, and social roadmap of the country.

Furthermore, in this day and age of information, communication, and technology, which allows for the fast spread of misinformation without established standards on professionalism and accountability, we were able to find comrades in the ranks of traditional media, people who are committed to upholding truth and the values of responsible media practice.

It is for these reasons that maintaining a dynamic environment for broadcast media remains crucial for nation-building, and in order to do so, we must allow the continuous participation of ABS-CBN in the broadcasting industry.

From its predecessors in the early 1950's to its current organization, ABS-CBN Corporation has been in the service of the Filipino people in radio, television, online, and mobile. By continuously elevating the standards of quality programming, ABS-CBN has been at the forefront of every milestone in the broadcasting industry. Through its news and current affairs programs, entertainment shows, and humanitarian efforts in communities throughout the country, ABS-CBN continues to be part of Filipino households nationwide, and overseas.

Through Republic Act No. 7966, ABS-CBN was granted a 25-year franchise, which shall expire on March 30, 2020. This bill seeks to renew the franchise of ABS-CBN for another 25 years to install and operate radio and television broadcasting stations in and throughout the Philippines.

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



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AN ACT
RENEWING FOR ANOTHER TWENTY FIVE (25) YEARS THE FRANCHISE
GRANTED TO ABS-CBN CORPORATION (FORMERLY ABS-CBN
BROADCASTING CORPORATION) UNDER REPUBLIC ACT NO. 7966 OR
“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”

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 Constitution and applicable laws, rules and regulations, the franchise granted to ABS-CBN Corporation (formerly ABS-CBN Broadcasting Corporation), hereunder referred to as the grantee, its successors or assigns, to construct, install, establish, operate and maintain, for commercial purposes and in the public interest, television and radio broadcasting stations in the Philippines, where frequencies and/or channels are still available for television and radio broadcasting, including digital television system, 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, is hereby renewed for another twenty-five (25) years.

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 the other existing station or stations which may be established by law without in any way diminishing its own right to use its selected 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. Prior Approval of the National Telecommunications Commission. -

The grantee shall secure from the National Telecommunications Commission (NTC) the appropriate permits and licenses for the operation its station and shall not use any frequency in the television/radio spectrum without authorization from the NTC. The NTC, however, shall not unreasonably withhold or delay the grant of any such authority.

Sec. 4. 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.

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 franchise shall be given in writing to Congress within sixty (60) days from the effectivity of this Act. Upon giving such acceptance, the grantee shall exercise the privileges granted under this Act.

Sec. 8. Tax provisions. -

The grantee, its successors or assigns shall continue to be subject to all applicable taxes, duties, fees or charges and other impositions under Republic Act No. 8424, otherwise known as The National Internal Revenue Code of 1997", as amended, Republic Act No. 7160, otherwise known as The Local Government Code of 1991, as amended, and other applicable laws.

Sec. 9. 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. 10. 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. 11. 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. 12. General Broadcast Policy Law. — The grantee shall comply with a general broadcast policy law which Congress may hereafter enact.

Sec. 13. Separability Clause. — If any of the sections or provisions of this Act is held invalid, all the other provisions not affected thereby shall remain valid.

Sec. 14. Repealability and Non-exclusivity Clauses. — 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. 15. Effectivity. — This Act shall take effect fifteen (15) days from the date of its publication in at least two (2) newspapers of general circulation in the Philippines.

Approved,