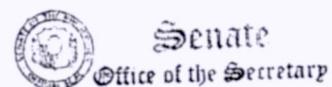


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session)



Senate
Office of the Secretary

20 MAR -3 P4:42

SENATE

RECEIVED BY

COMMITTEE REPORT NO. 64

Submitted by the Committee on Public Services on MAR - 3 2020.

Re: House Bill no. 4463

Recommending the approval of HBN 4463 with amendment.

Sponsor: Senator Grace Poe

MR. PRESIDENT:

The Committee on Public Services to which was referred House Bill No. 4463, introduced by Representatives Aurelio Jr. "Dong" D. Gonzales and Franz Alvarez, entitled:

**"AN ACT
EXTENDING FOR ANOTHER TWENTY-FIVE (25) YEARS THE
FRANCHISE GRANTED TO FIRST UNITED BROADCASTING
CORPORATION, PRESENTLY KNOWN AS GLOBAL SATELLITE
TECHNOLOGY SERVICES INC., AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 8079, AS AMENDED, ENTITLED 'AN ACT
GRANTING THE FIRST UNITED BROADCASTING CORPORATION
(FUBC) A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE, AND
MAINTAIN FOR COMMERCIAL PURPOSES RADIO AND TELEVISION
BROADCASTING STATIONS ANYWHERE IN THE PHILIPPINES, AND
FOR OTHER PURPOSES"**

has considered the same and has the honor to report it back to the Senate with the recommendation that the attached H.B. No. 4463 be approved with the following amendment:

1. On page 5, delete lines 10 to 14; and renumber the subsequent sections accordingly.

RESPECTFULLY SUBMITTED

grace Poe
GRACE POE
Chairperson
Committee on Public Services

PML
PANFILO M. LACSON
Vice-Chairperson
Committee on Public Services

Emmanuel Pacquiao
EMMANUEL "Manny" D. PACQUIAO
Vice-Chairperson
Committee on Public Services

Ramon Revilla Jr.
RAMON "Bong" REVILLA JR.
Vice-Chairperson
Committee on Public Services

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Francis Kiko Pangilinan
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RALPH G. RECTO

Senate President Pro-Tempore



JUAN MIGUEL F. ZUBIRI

Majority Floor Leader



FRANKLIN M. DRILON

Minority Floor Leader

HON. VICENTE C. SOTTO III

Senate President

CONGRESS OF THE PHILIPPINES
EIGHTEENTH CONGRESS
First Regular Session

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HOUSE OF REPRESENTATIVES

H. No. 4463

BY REPRESENTATIVES GONZALES (A.) AND ALVAREZ (F.), PER
COMMITTEE REPORT NO. 9

AN ACT EXTENDING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO FIRST UNITED BROADCASTING CORPORATION, PRESENTLY KNOWN AS GLOBAL SATELLITE TECHNOLOGY SERVICES INC., AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8079, AS AMENDED, ENTITLED "AN ACT GRANTING THE FIRST UNITED BROADCASTING CORPORATION (FUBC) A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE, AND MAINTAIN FOR COMMERCIAL PURPOSES RADIO AND TELEVISION BROADCASTING STATIONS ANYWHERE IN THE PHILIPPINES, AND FOR OTHER PURPOSES"

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
2 provisions of the Constitution and applicable laws, rules and
3 regulations, the franchise granted to First United Broadcasting
4 Corporation (FUBC), presently known as Global Satellite
5 Technology Services Inc., its successors or assignees and hereunder
6 referred to as the grantee, to construct, install, operate, and
7 maintain for commercial purposes and in the public interest, radio
8 and television broadcasting stations throughout the Philippines,
9 where frequencies and/or channels are still available for radio
10 and/or television broadcasting, including digital television system,

1 through microwave, over the top (OTT), uplink services or whatever
2 means, including the use of any new technology in television and
3 radio systems, with the corresponding technological auxiliaries and
4 facilities, special broadcast and other program and distribution
5 services and relay stations in the Philippines, including
6 multichannel microwave transmission, repeater stations,
7 translators, satellite transmission, and direct to home user satellite
8 broadcast system, cable or community antennae television system
9 (CATV), interactive system or station, transmitting, receiving, and
10 switching stations, both for local and international services, lines,
11 fiber optics, microwave, satellite, transmit and receive systems,
12 control signals, audio and video systems, information service
13 bureau, pay and pay per view television, video on demand and
14 public information on demand services, multidisc read only memory,
15 memory network delivery, packet and frame relay and electronic
16 mail services and other value-added services and all other
17 technologies as are presently available through technical advances
18 or innovations in the future, as is, or are convenient to or essential
19 to efficiently carry out the purpose of this franchise and to install
20 radio communication facilities for the grantee's private use in its
21 broadcast services, means of distribution including the use of all
22 new technologies in broadcasting as are at present available or to be
23 made available through technological advances or innovations in
24 the future, with the corresponding technological auxiliaries and
25 facilities, special broadcast and other broadcast distribution
26 services, is hereby extended for another twenty-five (25) years from
27 the effectivity of this Act.

28 SEC. 2. *Manner of Operation of Stations or Facilities.* – The
29 stations or facilities of the grantee shall be constructed and

1 operated in a manner as will, at most, result only in the minimum
2 interference on the wavelengths or frequencies of existing stations
3 or other stations which may be established by law, without in any
4 way diminishing its own privilege to use its assigned wavelengths
5 or frequencies and the quality of transmission or reception thereon
6 as should maximize rendition of the grantee's services and/or the
7 availability thereof.

8 *SEC. 3. Prior Approval of the National Telecommunications*
9 *Commission.* – The grantee shall secure from the National
10 Telecommunications Commission (NTC) the appropriate permits
11 and licenses for the construction and operation of its stations or
12 facilities and shall not use any frequency in the radio/television
13 spectrum without authorization from the NTC. The NTC, however,
14 shall not unreasonably withhold or delay the grant of any such
15 authority.

16 The grantee shall not dispose or lease its facilities except to
17 entities with radio or television broadcasting franchise: *Provided,*
18 That the grantee shall inform and secure written authorization to
19 proceed from the NTC, and report the transaction to the NTC
20 within sixty (60) days after its completion. *Provided, further,* That
21 the NTC shall determine the corresponding sanction for any
22 violation of this provision.

23 *SEC. 4. Responsibility to the Public.* – The grantee shall
24 provide, free of charge, adequate public service time which is
25 reasonable and sufficient to enable the government, through the
26 broadcasting stations or facilities of the grantee, to reach the
27 pertinent populations or portions thereof, on important public issues
28 and relay important public announcements and warnings
29 concerning public emergencies and calamities, as necessity, urgency

1 or law may require; provide at all times sound and balanced
2 programming; promote public participation; assist in the functions
3 of public information and education; conform to the ethics of honest
4 enterprise; promote audience sensibility and empowerment
5 including closed captioning; and not use its stations or facilities for
6 the broadcasting of obscene or indecent language, speech, act or
7 scene; or for the dissemination of deliberately false information or
8 willful misrepresentation, to the detriment of public interest; or to
9 incite, encourage, or assist in subversive or treasonable acts.

10 Public service time referred herein shall be equivalent to a
11 maximum aggregate of ten percent (10%) of the paid commercials or
12 advertisements which shall be allocated based on need to the
13 Executive and Legislative branches, the Judiciary, Constitutional
14 Commissions, and international humanitarian organizations duly
15 recognized by statutes: *Provided*, That the NTC shall increase the
16 public service time in case of extreme emergency or calamity. The
17 NTC shall issue rules and regulations for this purpose, the
18 effectivity of which shall commence upon applicability with other
19 similarly situated broadcast network franchise holders.

20 SEC. 5. *Right of the Government.* – The radio spectrum is a
21 finite resource that is part of the national patrimony and the use
22 thereof is a privilege conferred upon the grantee by the State and
23 may be withdrawn any time after due process.

24 A special right is hereby reserved to the President of the
25 Philippines, in times of war, rebellion, public peril, calamity,
26 emergency, disaster, or disturbance of peace and order: to
27 temporarily take over and operate the stations or facilities of the
28 grantee; to temporarily suspend the operation of any station or
29 facility in the interest of public safety, security and public welfare;

1 or to authorize the temporary use and operation thereof by any
2 agency of the government, upon due compensation to the grantee,
3 for the use of the stations or facilities during the period when these
4 shall be so operated.

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

10 SEC. 7. *Renewal or Extension of Franchise.* — The grantee
11 shall apply for the renewal or extension of its franchise five (5)
12 years before its expiration wherein the reckoning date is fifteen (15)
13 days after the publication of the franchise in the *Official Gazette* or
14 in a newspaper of general circulation.

15 SEC. 8. *Self-regulation by and Undertaking of the Grantee.* —
16 The grantee shall not require any previous censorship of any
17 speech, play, act or scene, or other matter to be broadcast from its
18 stations, but if any such speech, play, act or scene, or other matter
19 should constitute a violation of the law or infringement of a private
20 right, the grantee shall be free from any liability, civil or criminal,
21 for such speech, play, act or scene, or other matter: *Provided*, That
22 the grantee, during any broadcast, shall cut off the airing of speech,
23 play, act or scene, or other matter being broadcast if the tendency
24 thereof is to propose and/or incite treason, rebellion or sedition; or
25 the language used therein or the theme thereof is indecent or
26 immoral: *Provided, further*, That willful failure to do so shall
27 constitute a valid cause for the cancellation of this franchise.

28 SEC. 9. *Warranty in Favor of the National and Local
29 Governments.* — The grantee shall hold the national, provincial,

1 city, and municipal governments of the Philippines free from all
2 claims, liabilities, demands, or actions arising out of accidents,
3 causing injury to persons or damage to properties, during the
4 construction or operation of the stations of the grantee.

5 SEC. 10. *Commitment to Provide and Promote the Creation of*
6 *Employment Opportunities.* – The grantee shall create employment
7 opportunities and shall allow on-the-job trainings in their franchise
8 operation: *Provided*, That priority shall be accorded to the residents
9 of the place where their principal office is located: *Provided further*,
10 That the grantee shall follow the applicable labor standards and
11 allowance entitlement under existing labor laws, rules and
12 regulations and similar issuances: *Provided, finally*, That the
13 employment opportunities or jobs created shall be reflected in the
14 General Information Sheet (GIS) to be submitted to the Securities
15 and Exchange Commission (SEC) annually.

16 SEC. 11. *Sale, Lease, Transfer, Grant of Usufruct, or*
17 *Assignment of Franchise.* – The grantee shall not sell, lease,
18 transfer, grant the usufruct of, nor assign this franchise or the
19 rights and privileges acquired thereunder to any person, firm,
20 company, corporation, or other commercial or legal entity, nor
21 merge with any other corporation or entity, nor the controlling
22 interest of the grantee be transferred, simultaneously or
23 contemporaneously, to any person, firm, company, corporation, or
24 entity without the prior approval of the Congress of the Philippines.
25 Congress shall be informed of any sale, lease, transfer, grant of
26 usufruct, or assignment of franchise or the rights and privileges
27 acquired thereunder, or of the merger or transfer of the controlling
28 interest of the grantee, within sixty (60) days after the completion of
29 the said transaction. Failure to report to Congress such change of

1 ownership shall render the franchise *ipso facto* revoked. Any person
2 or entity to which this franchise is sold, transferred or assigned
3 shall be subject to the same conditions, terms, restrictions, and
4 limitations of this Act.

5 SEC. 12. *Dispersal of Ownership.* – In accordance with the
6 constitutional provision to encourage public participation in public
7 utilities, the grantee shall offer to Filipino citizens at least thirty
8 percent (30%) or a higher percentage that may hereafter be
9 provided by law of its outstanding capital stock in any securities
10 exchange in the Philippines within five (5) years from the
11 commencement of its operations: *Provided*, That in cases where
12 public offer of shares is not applicable, the grantee shall apply other
13 methods of encouraging public participation by citizens and
14 corporations operating public utilities as allowed by law.
15 Noncompliance therewith shall render the franchise *ipso facto*
16 revoked.

17 SEC. 13. *Reportorial Requirement.* – The grantee shall
18 submit an annual report to the Congress of the Philippines, through
19 the Committee on Legislative Franchises of the House of
20 Representatives and the Committee on Public Services of the
21 Senate, on its compliance with the terms and conditions of the
22 franchise and on its operations on or before April 30 of every year
23 during the term of its franchise.

24 The annual report shall include an update on the roll-out,
25 development, operation and/or expansion of business; audited
26 financial statements; latest GIS officially submitted to the SEC, if
27 applicable; certification of the NTC on the status of its permits and
28 operations; and an update on the dispersal of ownership
29 undertaking, if applicable.

1 The reportorial compliance certificate issued by Congress
2 shall be required before any application for permit or certificate is
3 accepted by the NTC.

4 SEC. 14. *Fine.* -- Failure of the grantee to submit the
5 requisite annual report to Congress shall be penalized by a fine of
6 Five hundred pesos (P500.00) per working day of noncompliance.
7 The fine shall be collected by the NTC from the delinquent franchise
8 grantee separate from the reportorial penalties imposed by the NTC
9 and the same shall be remitted to the Bureau of the Treasury.

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

19 SEC. 16. *Repealability and Nonexclusivity Clause.* -- This
20 franchise shall be subject to amendment, alteration, or repeal by the
21 Congress of the Philippines when the public interest so requires and
22 shall not be interpreted as an exclusive grant of the privileges
23 herein provided for.

24 SEC. 17. *Separability Clause.* -- If any of the sections or
25 provisions of this Act is held invalid, all other provisions not
26 affected thereby shall remain valid.

27 SEC. 18. *Repealing Clause.* -- All laws, decrees, orders,
28 resolutions, instructions, rules and regulations, and other issuances

1 or parts thereof which are inconsistent with the provisions of this
2 Act are hereby repealed, amended, or modified accordingly.

3 SEC. 19. *Effectivity.* - This Act shall take effect fifteen (15)
4 days after its publication in the *Official Gazette* or in a newspaper of
5 general circulation.

Approved,

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