

Republic of the Philippines
Congress of the Philippines
Senate
Pasay City

Eighteenth Congress

First Regular Session



RESOLUTION No. 47

RESOLUTION EXPRESSING THE SENSE OF THE SENATE TO URGE THE NATIONAL TELECOMMUNICATIONS COMMISSION (NTC) TO RECONSIDER ITS CEASE AND DESIST ORDER AGAINST ABS-CBN CORPORATION AND TO ALLOW THE CONTINUOUS OPERATION OF ABS-CBN CORPORATION, ITS SUBSIDIARIES AND AFFILIATES ABS-CBN CONVERGENCE INC., SKY CABLE CORPORATION, AND AMCARA BROADCASTING NETWORK, INC., PENDING THE DISPOSITION OF ITS FRANCHISE RENEWAL

WHEREAS, on March 4, 2020, the Philippine Senate adopted Resolution No. 344, expressing the sense of the Senate to authorize the NTC to issue a provisional

authority in favor of ABS-CBN, its subsidiaries and affiliates, considering that the legislative franchise of the same, granted by virtue of Republic Act No. 7966, has an expiration date of May 4, 2020;

WHEREAS, the House of Representatives, from which franchise bills (private bills) should emanate pursuant to Article VI, Section 24 of the 1987 Constitution, has yet to conclude deliberations on the franchise bill of ABS-CBN and transmit the same to Senate;

WHEREAS, the Department of Justice (DOJ) has already expressed its legal opinion, to the effect that ABS-CBN can continue its operations on the basis of equity;

WHEREAS, there is precedent for entities whose franchises have expired to be allowed to continue to operate, pending the grant of franchise renewal by Congress. The Catholic Bishops Conference of the Philippines Broadcast franchise expired on August 4, 2017 and was only renewed on April 22, 2019 by virtue of Republic Act No. 11319. Globe Innove's franchise expired on April 10, 2017 and was only renewed on December 14, 2018. PT&T's franchise expired in November 2015, and was only renewed on July 21, 2016;

WHEREAS, another demonstration of NTC's liberality is its Memorandum Order 03-03-2020 which states that "(a)ll existing permits, certificates and licenses, including radio operator certificates, to operate radio communications equipment, networks and facilities, government or private, in various radio services xxx issued by the National Telecommunications Commission, expiring within March 15, 2020 to April 14, 2020 or during the Enhanced Community Quarantine Period shall continue to be valid sixty (60) days after the end of the government-imposed quarantine period". This suggests that there is enough basis in policy and in practice to allow ABS-CBN Corporation and its subsidiaries and/or affiliates to continue their operations pending the renewal of their respective franchises;


WHEREAS, now more than ever, in the middle of the biggest public health crisis of our generation, the Filipino people deserve access to up-to-date news provided by a free

and unfettered media, and multiple sources of information provide the best pathways for truth to emerge;


WHEREAS, equally important, the cease and desist order against ABS-CBN will impact on 13,000 of its workers, creating joblessness that could not be more ill-timed given the looming economic recession caused by the COVID-19 pandemic: Now, therefore, be it

Resolved, as it is hereby resolved, To express the sense of the Senate to urge the National Telecommunications Commission (NTC) to reconsider its cease and desist order against ABS-CBN Corporation and to allow the continuous operation of ABS-CBN Corporation, its subsidiaries and affiliates ABS-CBN Convergence Inc., Sky Cable Corporation, and AMCARA Broadcasting Network, Inc., pending the disposition of its franchise renewal.

Adopted,


VICENTE C. SOTTO III
President of the Senate

This Resolution was adopted by the Senate on May 11, 2020.


MYRA MARIE D. VILLARICA
Secretary of the Senate

