



HOUSE OF REPRESENTATIVES

II. No. 6003

BY REPRESENTATIVES EVARDONE AND TEODORO

AN ACT GRANTING THE AMA TELECOMMUNICATIONS, INC. A
FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE
AND MAINTAIN TELECOMMUNICATIONS SYSTEMS IN THE
PHILIPPINES

*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 1987 Philippine Constitution and applicable laws, rules and
3 regulations, there is hereby granted to AMA Telecommunications, Inc.,
4 hereunder referred to as the grantee, its successors or assignees, a franchise to
5 construct, install, establish, operate, and maintain for commercial purposes and
6 in the public interest, in the Philippines, wire and/or wireless
7 telecommunications systems including mobile, cellular, paging, fiber optics,
8 satellite transmit and receive systems, switches, and their value-added services
9 such as the transmission of voice, data, facsimile, control signs, audio and
10 video, information services and all other telecommunications systems
11 technologies as are at present available or will be made available through
12 technological advances or innovations in the future; and/or construct, acquire,

1 lease and operate, or manage transmitting and receiving stations, lines, cables,
2 or systems as are convenient or essential to efficiently carry out the purpose of
3 this franchise.

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

12 **SEC. 3. *Authority of the National Telecommunications Commission***
13 **(NTC).** – The grantee shall secure from the NTC a Certificate of Public
14 Convenience and Necessity or the appropriate permits and licenses for the
15 construction, installation, and operation of its telecommunications
16 systems/facilities. In issuing the certificate, the NTC shall have the power to
17 impose such conditions relative to the construction, operation, maintenance, or
18 service level of the telecommunications system. The NTC shall have the
19 authority to regulate the construction and operation of its telecommunications
20 systems. The grantee shall not use any frequency in the radio spectrum without
21 authorization from the NTC. Such certificate shall state the areas covered and
22 the date the grantee shall commence the service. The NTC, however, shall not
23 unreasonably withhold or delay the grant of any such authority, permit, or
24 license.

25 **SEC. 4. *Excavation and Restoration Works.*** – For the purpose of
26 erecting and maintaining poles or other supports for said wires or other
27 conductors for the purpose of laying and maintaining underground wires,
28 cables or other conductors, it shall be lawful for the grantee, its successors or

1 assignees, with the prior approval of the Department of Public Works and
2 Highways (DPWH) or the local government unit (LGU) concerned, as may be
3 appropriate, to make excavations or lay conduits in any of the public places,
4 roads, highways, streets, lanes, alleys, avenues, sidewalks, or bridges of the
5 province, cities and/or municipalities: *Provided, however,* That a public place,
6 road, highway, street, lane, alley, avenue, sidewalk, or bridge disturbed,
7 altered or changed by reason of erection of poles or other supports or the
8 underground laying of wires, other conductors or conduits, shall be repaired
9 and replaced in workmanlike manner by the said grantee, its successors or
10 assignees, in accordance with the standards set by the DPWH or the LGU
11 concerned. Should the grantee, its successors or assignees, after the ten (10)-
12 day notice from the said authority, fail, refuse, or neglect to repair or replace
13 any part of public place, road, highway, street, lane, alley, avenue, sidewalk,
14 or bridge disturbed, altered or changed by the said grantee, its successors or
15 assignees, then the DPWH or the LGU concerned shall have the right to have
16 the same repaired and placed in good order and condition at double expense to
17 be charged against the grantee, its successors or assignees.

18 **SEC. 5. Responsibility to the Public.** -- The grantee shall conform to
19 the ethics of honest enterprise and not use its stations/facilities for obscene or
20 indecent transmission, or for dissemination of deliberately false information or
21 willful misrepresentation, or assist in subversive or treasonable acts.

22 The grantee shall provide basic or enhanced telephone service in any
23 city and/or municipality in the Philippines where it has an approved Certificate
24 of Public Convenience and Necessity for the establishment, operation, and
25 maintenance of a local exchange service, without discrimination to any
26 applicant therefor, in the order of the date of their applications, up to the limit
27 of the capacity of its local telephone exchange and, should the demand for the
28 telephone service at any time increase beyond the capacity thereof, the grantee

1 shall increase the same to meet such demand: *Provided*, That in case the total
2 demand to be satisfied by the expansion is less than the smallest viable local
3 exchange available in the market as determined by the NTC, the grantee shall
4 not be obliged to furnish such service unless the applicant for telephone
5 service defrays the actual expenses for the installation of the
6 telecommunications apparatus necessary for such services and in such case,
7 the NTC may extend the time within which the grantee shall furnish such
8 service.

9 The grantee shall operate and maintain all its stations, lines, cables,
10 systems, and equipment for the transmission and reception of messages,
11 signals, and pulses in a satisfactory manner at all times, and as far as
12 economical and practicable, modify, improve, or change such stations, lines,
13 cables, systems, and equipment to keep abreast with the advances in science
14 and technology.

15 **SEC. 6. Rates for Services.** - The charges and rates for
16 telecommunications services of the grantee, except the rates and charges on
17 those that may hereafter be declared or considered as nonregulated services,
18 whether flat rates or measured rates or variation thereof, shall be subject to the
19 approval of the NTC or its legal successor. The rates to be charged by the
20 grantee shall be unbundled, separable, and distinct among the services offered
21 and shall be determined in such a manner that regulated services do not
22 subsidize the unregulated ones.

23 **SEC. 7. Right of Government.** - A special right is hereby reserved to
24 the President of the Philippines, in times of war, rebellion, public peril,
25 calamity, emergency, disaster, or disturbance of peace and order: to
26 temporarily take over and operate the stations, transmitters, facilities, or
27 equipment of the grantee; to temporarily suspend the operation of any station,
28 transmitter, facility, or equipment in the interest of public safety, security, and

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

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

8 **SEC. 8. Term of Franchise.** - This franchise shall be in effect for a
9 period of twenty-five (25) years from the date of the effectivity of this Act,
10 unless sooner cancelled. This franchise shall be deemed *ipso facto* revoked in
11 the event the grantee fails to comply with any of the following conditions:

12 (a) Commence operations within one (1) year from the approval of its
13 operating permit by the NTC;

14 (b) Commence operations within three (3) years from the effectivity of
15 this Act; and

16 (c) Operate continuously for two (2) years.

17 **SEC. 9. Acceptance and Compliance.** - Acceptance of this franchise
18 shall be given in writing to the Congress of the Philippines, through the
19 Committee on Legislative Franchises of the House of Representatives and the
20 Committee on Public Services of the Senate, within sixty (60) days from the
21 effectivity of this Act. Upon giving such acceptance, the grantee shall exercise
22 the privileges granted under this Act. Nonacceptance shall render the
23 franchise void.

24 **SEC. 10. Bond.** - The grantee shall file a bond with the NTC in the
25 amount that it shall determine to guarantee compliance with and fulfillment
26 of the conditions under which this franchise is granted. If, after three (3) years
27 from the date of the approval of its permit by the NTC, the grantee shall have
28 fulfilled the conditions, the bond shall be cancelled by the NTC. Otherwise,

1 person, firm, company, corporation or other commercial or legal entity, nor
2 merge with any other corporation or entity, nor shall transfer the controlling
3 interest of the grantee, whether as a whole or in part, and whether
4 simultaneously or contemporaneously, to any such person, firm, company,
5 corporation, or entity without the prior approval of the Congress of the
6 Philippines: *Provided*, That Congress shall be informed of any sale, lease,
7 transfer, grant of usufruct, or assignment of franchise or the rights and
8 privileges acquired thereunder, or of the merger or transfer of the controlling
9 interest of the grantee, within sixty (60) days after the completion of said
10 transaction: *Provided, further*, That failure to report to Congress such change
11 of ownership shall render the franchise *ipso facto* revoked: *Provided, finally*,
12 That any person or entity to which this franchise is sold, transferred or
13 assigned shall be subject to the same conditions, terms, restrictions, and
14 limitations of this Act.

15 SEC. 16. *Dispersal of Ownership*. - In accordance with the
16 constitutional provision to encourage public participation in public utilities,
17 the grantee shall offer to Filipino citizens at least thirty percent (30%) or a
18 higher percentage that may hereafter be provided by law of its outstanding
19 capital stock in any securities exchange in the Philippines within five (5) years
20 from the commencement of its operations: *Provided*, That in cases where
21 public offer of shares is not applicable, establishment of cooperatives
22 operating public utilities must be implemented. Noncompliance therewith
23 shall render the franchise *ipso facto* revoked.

24 SEC. 17. *Reportorial Requirement*. - The grantee shall submit an
25 annual report to the Congress of the Philippines, through the Committee on
26 Legislative Franchises of the House of Representatives and the Committee on
27 Public Services of the Senate, on its compliance with the terms and conditions
28 of the franchise and on its operations on or before April 30 of every year

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

4 SEC. 18. *Penalty Clause.* - Failure of the grantee to submit the
5 requisite annual report to Congress shall be penalized with a fine of five
6 hundred pesos (P500.00) per working day of noncompliance. The fine shall be
7 collected by the NTC from the delinquent franchise grantee separate from the
8 reportorial penalties imposed by the NTC.

9 SEC. 19. *Equality Clause.* - Any advantage, favor, privilege,
10 exemption, or immunity granted under other existing franchises, or which may
11 hereafter be granted, upon prior review and approval of Congress, shall
12 become part of this franchise and shall be accorded immediately and
13 unconditionally to the herein grantee: *Provided,* That the foregoing shall
14 neither apply to nor affect the provisions of telecommunications franchises
15 concerning territory covered by the franchise, the life span of the franchise, or
16 the type of service authorized by the franchise.

17 SEC. 20. *Separability Clause.* - If any of the sections or provisions of
18 this Act is held invalid, all other provisions not affected thereby shall remain
19 valid.

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

24 SEC. 22. *Effectivity.* - This Act shall take effect fifteen (15) days after
25 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,