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REPUBLIC OF THE PHILIPPINES)
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Senate
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SENATE

S. No. 532

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
ESTABLISHING AN INDEPENDENT BROADCAST SYSTEM IN THE COUNTRY,
PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Constitution recognizes the vital role of communication and information in nation-building. Public information inevitably creates awareness of significant issues and can also be a mechanism for the transparency of policies and programs of the government if used effectively. Being a critical part of democracy, it can only be efficiently channeled through a truly independent media.

In our country, media has been undeniably dominated by commercial or privately-owned companies that depend on advertising to be able to sustain itself. Consequently, the growth and the independence of our journalists are encumbered by practices and schemes that are primarily dictated by the economic interests of their proprietors or advertisers. The existing public broadcast system, on the other hand, does not enjoy the trust of the people as it is perceived as a propaganda vehicle of the incumbent administrations and hence, is deemed inutile in the effective delivery of broadcasting as a public good. Thus, important concepts of transparency and accountability are unquestionably compromised by the situation.

Recognizing the need to assert the idea of highest journalistic standards and the preservation of press freedom, this bill aims to establish a public service broadcasting system which shall function wholly independent of the governmental and commercial influences and free from political or other bias or interference. Through this measure, the Public Service Broadcast System (PSBS) shall be independent in all matters concerning the content of its output, the times and manner in which this is supplied, and in the management of its affairs. Moreover, this bill grants fiscal autonomy to the PSBS such that appropriations for the PSBS may not be reduced by the Legislature below the amount appropriated for the previous year, and after approval shall be automatically and regularly released. Further, this bill creates a Board of Directors whose membership is not appointed by the President. With the aforementioned provisions, this measure seeks to create a healthy distance between the media and the potential meddling arm of the State and commercial private interests. Of twin importance is the measure's provision of general program standards. Broadcasters must ensure that due impartiality and truthfulness are observed in news and other issues of public importance.

This bill, in essence, seeks to promote high quality public service broadcasting, the free flow of information in the public interest, and the responsible exercise of journalism through a

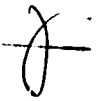
broadcast channel that will fill the gap in the ratings-driven, commercially-dominated Philippine broadcast media and propaganda-driven state broadcasting system.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV
Senator

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

TITLE I
GENERAL PROVISIONS

1 **SECTION 1. Title.** - This Act shall be known as the "Public Service Broadcast
2 System Act of 2016."
3

4 **SEC. 2. Declaration of Policies.** - In consonance with the Constitutional recognition
5 of the vital role of communication and information in nation-building, and the important
6 aspect played by the broadcasting industry, it is hereby declared as the policy of the State to:
7

- 8 a) promote the provision of high-quality broadcast programming to the public at large;
9
- 10 b) promote and guarantee the independence of the public service broadcaster from
11 political or commercial interference within a framework of accountability to the
12 public;
13
- 14 c) fully develop communication structures suitable to the needs and aspirations of the
15 nation and in accordance with a policy that respects the freedom of speech and of the
16 press;
17
- 18 d) harness the resources of the government and the private sector towards a close,
19 continuous and balanced cooperation in order to take advantage of technological
20 advances in the broadcasting industry;
21
- 22 e) maintain a broadcast industry system that serves as a vital link for participative
23 democracy and effective government information dissemination through
24 developmental communication, free from any political or partisan influence and held
25 accountable directly to the people; and
26
- 27 f) encourage the development and broadcast of balanced programs which feature public
28 affairs;

- 1
2 b) to serve primarily as a vehicle for communicating the news and public affairs to the
3 public; and
4
5 c) to provide subsidized airtime to legitimate people's organizations and NGOs in the
6 promotion of their programs and projects.
7

8 **TITLE V**
9 **CORPORATE STRUCTURE**

10
11 **SEC. 11. *The Board of Directors.*** - The PSBS shall be governed by the PSBS Board
12 of Directors, hereinafter referred to as the Board.
13

14 The Board shall be composed of fifteen (15) members. The members of the Board
15 shall be elected from the following organizations:
16

- 17 a) Seven (7) directors, representing each of the seven (7) biggest national broadcast
18 media organizations in the country, in terms of membership: *Provided*, That the three
19 (3) directors shall represent each of the three (3) biggest regional broadcast media
20 organizations in Luzon, Visayas, and Mindanao, respectively, in terms of
21 membership;
22
23 b) Two (2) directors representing each of the two (2) biggest investigative media
24 organizations in the country, in terms of membership;
25
26 c) Five (5) directors representing each the five (5) biggest national newsprint media
27 organizations in the country, in terms of membership; and
28
29 d) The Dean of the University of the Philippines College of Mass Communication will
30 serve as a director, representing the academe.
31

32 The initial members of the Board shall have a two (2) - year term. Subsequent directors
33 shall serve a term of four (4) years: *Provided*, That they shall be eligible for re-election for
34 another term of four (4) years. Replacement for any vacancy in the Board shall be for the
35 unexpired portion of the term of the predecessor. Except for the Dean of the UP College of
36 Mass Communications, the Directors of the Board for the subsequent terms shall be duly
37 elected by members of their respective organizations. The Directors shall elect among
38 themselves, one who will serve as Chairman of the Board.
39

40 The Board shall meet at least twice a month to discuss matters of policy in order to
41 effectively carry out the provision of this Act.
42

43 The Chairman of the Board shall have a salary grade equivalent to a Cabinet
44 Secretary. The other members of the Board shall carry a salary grade equivalent to a Cabinet
45 Undersecretary.
46

47 **SEC. 12. *Qualifications of the Members of the Board.*** - The members of the Board
48 shall be of proven and unquestionable probity, integrity, honesty, impartiality, reputation, and
49 knowledgeable of the broadcast industry. They shall not be holding key positions with other

1 broadcasting corporation or hold any position that may conflict with their functions and
2 duties as Directors of the PSBS.

3
4 If a member shall be appointed or employed as employee or consultant to another
5 government office, political party, or shall run for any elective position, he shall be deemed to
6 have vacated membership in the Board on the day of his appointment or filing of his
7 candidacy, as the case may be.

8
9 **SEC. 13. Powers and Functions of the Board.** - The Board shall have the following
10 powers and functions:

- 11
- 12 a) The Board shall elect the Officers of the PSBS, hereinafter referred to as the Officers:
13 *Provided*, That the officers shall be chosen from among the duly accredited broadcast
14 organizations in the country.
 - 15
 - 16 b) The Board has overall responsibility for the determination of internal policy, for
17 ensuring compliance with all policies set out in this Act, for ensuring that the PSBS
18 meets the highest standards of decency, integrity and value for money, for
19 appointment of senior staff, including the members of the Board, and for setting the
20 overall strategy of PSBS.
 - 21
 - 22 c) The Board shall have the power to fix the other allowances and fringe benefits of its
23 officers and employees, subject to the provisions of pertinent compensation laws and
24 regulations.
 - 25
 - 26 d) The Board shall not interfere with the day-to-day management of the PSBS or with
27 the editorial independence of the staff, although it does have responsibility for
28 ensuring the overall editorial policy respects of the PSBS.
 - 29

30 All members of the Board shall be independent and impartial in the exercise of their
31 functions and shall, at all times, seek to promote the policies as declared in Section 2 of this
32 Act. Board members shall act at all times in the overall public interest and shall not use their
33 appointment to advance their personal interests, or the personal interests of any other party or
34 entity.

35
36 **SEC. 14. The Officers of the PSBS.** - The Officers of the PSBS, hereinafter referred
37 to as the Officers, shall be elected by the Board, of which the latter shall not be members of.
38 The initial Officers shall have a three (3) - year term. Subsequent Officers shall serve a term
39 of four (4) years: *Provided*, That they shall be eligible for re-election for another term of four
40 (4) years. The elected President shall carry the salary grade equivalent to a Cabinet
41 Undersecretary. The other officers shall carry the salary grade equivalent to an Assistant
42 Secretary.

43
44 Other broadcast media organizations not represented in the Board shall be given an
45 opportunity to make representations. All nominations and the corresponding positions to be
46 filled in shall be submitted to the Board for review and selection before the deadline set by
47 the Board. Each member of the Board is entitled to one (1) vote.

48
49 **SEC. 15. Positions.** - The following positions shall be created and filled up for the
50 proper and effective functioning of the Office:

- 1
2 a) One (1) President;
3
4 b) One (1) Vice President for Finance;
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6 c) One (1) Vice President for Marketing;
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8 d) One (1) Vice President for Human Resource Development;
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10 e) One (1) Vice President for Operations;
11
12 f) One (1) Vice President for Legal Affairs; and
13
14 g) One (1) Vice President for News and Current Affairs.
15

16 **SEC. 16. Powers and Functions of the Officers of the PSBS.** - Subject to the control
17 and supervision of the Board, the Officers shall have the following powers and functions:
18

- 19 a) submit policy recommendations and propose measures necessary to carry out the
20 objectives and functions of the PSBS for the consideration of the Board, and propose
21 guidelines that liberate rather than restrict program makers;
22
23 b) recommend to the Board, for approval, an organizational structure and plantilla for
24 personnel of the PSBS, in accordance with existing laws, rules and regulations;
25
26 c) execute, administer and implement policies and measures approved by the Board;
27
28 d) submit to the Board an annual budget and such supplemental budgets as may be
29 necessary for its consideration and approval;
30
31 e) represent the PSBS, its dealings with other persons, entities, agencies and institutions,
32 whether public or private, domestic or foreign, subject to the limitations and
33 conditions herein provided;
34
35 f) appoint, subject to the confirmation by the Board, discipline or remove for cause,
36 officer and personnel of the PSBS in accordance with the Civil Service Law, Rules
37 and Regulations; and
38
39 g) perform such other functions and duties which may be assigned to them by the Board.
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41 **TITLE VI**
42 **PROGRAM STANDARDS**
43

44 **SEC. 17. General Program Standards.** - Broadcasters must ensure that due
45 impartiality and truthfulness are observed in news and public affairs issues of public
46 importance. Due impartiality requires programs producers to deal even-handedly when
47 opposing points of view are presented in a program. On matters of public importance, balance
48 should be sought through the presentation, as far as possible, of principal viewpoints.
49 Programs should not be slanted by the exclusion of facts or by misleading emphasis. Every
50 reasonable effort must be made to ensure that the factual content of programs is accurate.

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**TITLE IX
EMPLOYEES OF THE PSBS**

SEC. 23. *Civil Service Law Coverage for Employees.* - The hiring, appointment, employment, promotion, disciplinary control, and other terms and conditions of the service of all employees of the PSBS, and such other matter affecting its employees shall be consistent with the provisions of the Civil Service Law, Rules and Regulations.

SEC. 24. *Salary Scale for Officials and Employees.* - The rates of compensation and classes of positions in the PSBS shall be covered by the Salary Standardization Law.

SEC. 25. *GSIS Coverage for Employees.* - All employees hired by the PSBS shall be deemed members of the Governments Service Insurance System (GSIS) for the purpose of employee benefits.

**TITLE X
OVERSIGHT**

SEC. 26. *Oversight Committee.* - The House of Representatives and Senate chairman of the Committee on Public Information and Mass Media shall have authority to hold public hearings on matters relating to financial management of the PSBS. The PSBS must at all reasonable times upon demand, allow the Committee to examine any of its accounts and furnish the Committee with all forecasts, estimates, reconciliations, information and documents, which the Committee may require, in such format as the Committee may require, with financial transactions and engagements of the PSBS.

**TITLE XI
MISCELLANEOUS PROVISIONS**

SEC. 27. *Transition Clause.* - All the powers, functions, assets and liabilities, capital, accounts, contracts, and facilities pertaining to the National Broadcasting Network (NBN-4), and all equipment relating to television broadcasting owned by the government shall be transferred to the PSBS.

SEC. 28. *Transitory Provision.* - The Officers shall recommend to the Board of Directors a corporate plan that includes programming direction, budget, organizational plan and structure, a staffing pattern and compensation plan within ninety (90) days from the effectivity of this Act. Said corporate structure shall be implemented by the Officers within thirty (30) days after its approval by the Board of Directors: *Provided, that* the current career employees of the National Broadcasting Network (NBN-4) shall be absorbed and accommodated by the PSBS.

SEC. 29. *Amendments.* - The provisions of this Act shall be subject to amendments, alteration or repeal by the Congress of the Philippines, when public interest so requires.

SEC. 30. *Separability Clause.* - If any provision or part of this Act is declared invalid or unconstitutional, the remainder shall not be affected thereby and shall continue to be in full force and effect.

SEC. 31. *Repealing Clause.* - Republic Act 7306, and all other laws, presidential decrees, executive orders, rules and regulations or proclamations and other issuances,

1 contrary or inconsistent with the provisions of this Act are hereby repealed or amended
2 accordingly.

3

4 **SEC. 32. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days following its
5 publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,