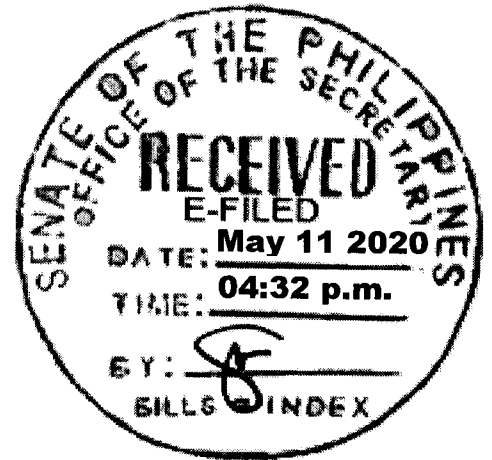


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

S. No. **1522**

Introduced by Senator Manuel "Lito" M. Lapid

**AN ACT
PROVIDING FOR PROVISIONAL LICENSES TO RADIO STATIONS WITH
PENDING FRANCHISE RENEWAL APPLICATIONS AMENDING FOR THAT
PURPOSE SECTION 1 OF ACT NO. 3846 OTHERWISE KNOWN AS AN ACT
PROVIDING FOR THE REGULATION OF RADIO STATIONS AND RADIO
COMMUNICATIONS IN THE PHILIPPINE ISLANDS, AND FOR OTHER
PURPOSES**

EXPLANATORY NOTE

While we can simply dismiss an inaction by Congress to a franchise application or a renewal for that matter as plainly that, a simple denial of an application, it would seem to be not true and prudent if it involves the livelihood of several thousands in an institution that has long established itself as the country's premier broadcasting station. A vast majority of the people just would not give up on its favorite television network and would rather take to task the very representatives they have entrusted to act on their behalf and to advance only the general and collective interest. But as predicted, the year 2020 is a year of disappointment and to the dismay of the millions of its patrons, ABS-CBN Broadcasting Corporation signed off all because the franchise it held for seventy-five (75) years was not timely acted upon by their representatives until that fateful day of the franchise's expiration.

Expectedly, discussions ensue drawing to fore the real controversy surrounding the closure of what once was the mighty broadcast giant, that more than it being a legal question, it seems to have involved political and social interests as well. Had there been more time, these issues would have been resolved and the bill renewing the franchise of ABS-CBN would have taken its course. Had the National Telecommunications Commission (NTC) been adamant in its promise to issue the firm a provisional license pending the review of the franchise renewal application, the masses would still have enjoyed their favorite pastimes on television. People could have meaningful options for entertainment as they grapple with the quarantine measures being presently enforced and the country would have still enjoyed the support of a partner in surviving a pandemic that the nation

currently suffers. Instead, the NTC heeded the call for the strict application of the law and chose to turn its back on what was once a compassionate treatment to similarly situated entities like TV5 Network Inc., Smart Communications, Inc., Globe Innove, Philippine Telegraph and Telephone Corporation among others, which were all allowed to operate past the expiration of their franchises until the same have been renewed.

Never had it been in the history of Congress that a private bill would stir so much exchange of equally intelligent and reasonable insights from persons of varying social, legal and political perspectives. Much will still be written about this saga in Philippine broadcast until the society put this to close. But it has given as a worthwhile takeaway, a realization of a legal loophole which can be easily plugged by legislative remediation. This measure seeks to address that seeming inequity in the treatment of legislative franchise applicants and remove that exercise of wisdom extended to the NTC. Should this proposal be enacted, all franchise applications will be provisionally renewed until the lapse of the session of the Congress that hears it. It should give them ample time to address issues and concerns of the legal and political luminaries and win the coveted authority for their continued operation.

Immediate approval of this bill is earnestly sought.



MANUEL "LITO" M. LAPID

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



SENATE

S. No. 1522

Introduced by Senator Manuel "Lito" M. Lapid

**AN ACT
PROVIDING FOR PROVISIONAL LICENSES TO RADIO STATIONS WITH
PENDING FRANCHISE RENEWAL APPLICATIONS AMENDING FOR THAT
PURPOSE SECTION 1 OF ACT NO. 3846 OTHERWISE KNOWN AS AN ACT
PROVIDING FOR THE REGULATION OF RADIO STATIONS AND RADIO
COMMUNICATIONS IN THE PHILIPPINE ISLANDS, AND FOR OTHER
PURPOSES**

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

1 **Section 1.** Section 1 of Act No. 3846 otherwise known as "AN ACT
2 PROVIDING FOR THE REGULATION OF RADIO STATIONS AND RADIO
3 COMMUNICATIONS IN THE PHILIPPINE ISLANDS, AND FOR OTHER
4 PURPOSES" is hereby amended to read as follows:
5

6 **"Section 1.** No person, firm, company, association or corporation
7 shall construct, install, establish, or operate a radio station within the
8 Philippine Islands without having first obtained a franchise therefor
9 from the Philippine Legislature; Provided however, That no
10 franchise from the Legislature shall be necessary for the
11 construction, installation, establishment or operation of a
12 broadcasting station, an amateur station, an experimental station, a
13 training station, a station on board a mobile vessel, train, or aircraft,
14 or a private station in a place without any means of communication.
15

16 **A LEGISLATIVE FRANCHISE FOR A RADIO STATION OF**
17 **ANY PERSON, FIRM, COMPANY, ASSOCIATION OR**
18 **CORPORATION SHALL BE DEEMED PROVISIONALLY**
19 **RENEWED UPON THE VALID FILING IN CONGRESS OF A**
20 **BILL SEEKING FOR ITS RENEWAL, PROVIDED THAT SUCH**
21 **FILING BE MADE BEFORE THE ACTUAL EXPIRATION OF**
22 **THE LEGISLATIVE FRANCHISE AND PROVIDED FURTHER**
23 **THAT THE VALIDITY OF THE PROVISIONAL RENEWAL**

1 SHALL BE UNTIL THE NEXT ADJOURNMENT OF
2 CONGRESS.”

3
4 *Section 2. Separability Clause.* - If any provision of this Act is held
5 unconstitutional, other provisions not affected thereby shall remain valid and
6 binding.

7
8 *Section 3. Repealing Clause.* - All laws, decrees, ordinances and rules
9 inconsistent with the provisions of this Act are hereby modified or repealed
10 accordingly.

11
12 *Section 4. Effectivity Clause.* - This Act shall take effect fifteen (15) days after
13 the completion of its publication in the *Official Gazette* or in at least two (2) national
14 newspapers of general circulation.

15
16 *Approved,*
17
18