



HOUSE OF REPRESENTATIVES

H. No. 8913

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BY REPRESENTATIVES SAKALURAN, ALVAREZ (F.), ROMUALDO, MACEDA, NOGRALES (J.J.), GUYA, DY (F.M.C.), GARCIA (P.J.), FORTUNO, RIVERA, ARENAS, ZUBIRI, VIOLAGO, QUIMBO, BORDADO, ALONTE, GULLAS, UNABIA, MARQUEZ, ROBES, BAUTISTA, VARGAS ALFONSO, FERRER (L.), CASTELO, TEJADA, ALMARIO, TAN (A.S.) AND HERNANDEZ, PER COMMITTEE REPORT NO. 818

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**AN ACT**

**RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO MARBEL TELEPHONE SYSTEM, INC. (MTSI) UNDER REPUBLIC ACT NO. 8449, ENTITLED " AN ACT GRANTING THE MARBEL TELEPHONE SYSTEM, INC., A FRANCHISE TO CONSTRUCT, ESTABLISH, INSTALL, MAINTAIN AND OPERATE LOCAL EXCHANGE NETWORK IN THE PROVINCES OF SOUTH COTABATO, SULTAN KUDARAT, AND SARANGANI"**

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

SECTION 1. *Nature and Scope of Franchise.* – Subject to the provisions of the Constitution and applicable laws, rules and regulations, the franchise granted to Marbel Telephone System, Inc. (MTSI), hereunder referred as the grantee, its successor or assignees, under Republic Act No. 8449, to construct, establish, install, maintain, and operate for commercial purposes and in the public interest, in the provinces of South Cotabato, Sultan Kudarat, and Sarangani, a local access network, wire or wireless telecommunications systems including copper, fiber optics, satellite transmit and receive systems, switches and their value-added services such as transmission of voice, data, facsimile, control signs, audio and video, information services, and all other telecommunications systems technologies as are at present

1 available or will be made available through technological advances or innovations in  
2 the future; or construct, acquire, lease, and operate, or manage transmitting and  
3 receiving stations, lines, cables, or systems as are convenient or essential to efficiently  
4 carry out the purpose of this franchise, is hereby renewed for another twenty-five (25)  
5 years.

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

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

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27       In case of any violation of the provisions of this franchise, the NTC shall have  
28 the authority to revoke or suspend, after due process, the permits or licenses it issued  
29 pursuant to the franchise. The NTC may recommend to Congress the revocation of  
30 the franchise for any violation of the provisions of this franchise.

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32       SEC. 4. *Excavation and Restoration Works.* – For the purposes of erecting and  
33 maintaining poles or other supports for wires or other conductors and for laying and  
34 maintaining of underground wires, cables, or other conductors, it shall be lawful for the  
35 grantee, its successors or assignees, with the prior approval of the Department of

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

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

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

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29 The grantee shall improve and extend its services in areas not yet served, and  
30 in hazard- and typhoon-prone areas that shall be determined by the National Disaster  
31 Risk Reduction and Management Council, or its legal successor, in coordination with  
32 the NTC.

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1 The grantee shall also improve and upgrade its equipment, facilities and  
2 services, in order to ensure effective compliance with the objectives of Republic Act  
3 No. 10639 or the "Free Mobile Disaster Alerts Act".

4 SEC. 6. *Rates for Services.* – The charges and rates for telecommunications  
5 services of the grantee, except the rates and charges on those that may hereafter be  
6 declared or considered as nonregulated services, whether flat rates or measured rates  
7 or variations thereof, shall be subject to the approval of the NTC or its legal successor.  
8 The rates to be charged by the grantee shall be unbundled, separable, and distinct  
9 among the services offered and shall be determined in such a manner that regulated  
10 services do not subsidize the unregulated ones.

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12 SEC. 7. *Right of Government.* – The radio spectrum is a finite resource that is  
13 part of the national patrimony and the use thereof is a privilege conferred upon the  
14 grantee by the State and may be withdrawn any time after due process.

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16 A special right is hereby reserved to the President of the Philippines, in times  
17 of war, rebellion, public peril, calamity, emergency, disaster, or disturbance of peace  
18 and order: to temporarily take over and operate the stations, transmitters, facilities, or  
19 equipment of the grantee; to temporarily suspend the operation of any station,  
20 transmitter, facility, or equipment in the interest of public safety, security, and public  
21 welfare; or to authorize the temporary use and operation thereof by any agency of the  
22 government, upon due compensation to the grantee for the use of the stations,  
23 transmitters, facilities, or equipment during the period when these shall be so operated.

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

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30 SEC. 9. *Renewal or Extension of Franchise.* – The grantee shall apply for the  
31 renewal or extension of its franchise three (3) years before its expiration which shall  
32 be reckoned from fifteen (15) days after the publication of the franchise in the *Official*  
33 *Gazette* or in a newspaper of general circulation.

1           SEC. 10. *Right of Interconnection.* – The grantee is hereby authorized to  
2 connect or demand connection of its telecommunications systems to other  
3 telecommunications systems installed, operated, and maintained by any other duly  
4 authorized person or entity in the Philippines for the purpose of providing extended  
5 and improved telecommunications services to the public, under the terms and  
6 conditions mutually agreed upon by the parties concerned. This right shall be subject  
7 to the review and modification of the NTC.

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9           SEC. 11. *Warranty in Favor of the National and Local Governments.* – The  
10 grantee shall hold the national, provincial, city, and municipal governments of the  
11 Philippines free from all claims, liabilities, accounts, demands, or actions arising out of  
12 accidents causing injury to persons or damage to properties, during the construction  
13 or operation of the stations, transmitters, facilities, or equipment of the grantee.

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15           SEC. 12. *Sale, Lease, Transfer, Grant of Usufruct, or Assignment of Franchise.*  
16 – The grantee shall not sell, lease, transfer, grant the usufruct of, nor assign this  
17 franchise or the rights and privileges acquired thereunder to any person, firm,  
18 company, corporation, or other commercial or legal entity, nor merge with any other  
19 corporation or entity, nor shall the controlling interest of the grantee be transferred,  
20 simultaneously or contemporaneously, to any person, firm, company, corporation, or  
21 entity without the prior approval of Congress. The grantee shall inform Congress,  
22 through the Office of the Speaker of the House of Representatives and the Office of  
23 the Senate President, of any sale, lease, transfer, grant of usufruct, or assignment of  
24 franchise or the rights and privileges acquired thereunder, or of the merger or transfer  
25 of the controlling interest of the grantee, within sixty (60) days after the completion of  
26 the said transaction. Failure to report to Congress such change of ownership shall  
27 render the franchise *ipso facto* revoked. Any person or entity to which this franchise is  
28 sold, transferred, or assigned shall be subject to the same conditions, terms,  
29 restrictions, and limitations of this Act.

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31           SEC. 13. *Dispersal of Ownership.* – In accordance with the constitutional  
32 provision to encourage public participation in public utilities, the grantee shall offer to  
33 Filipino citizens at least thirty percent (30%) of its common stocks, or a higher  
34 percentage that may hereafter be provided by law, in any securities exchange in the  
35 Philippines within five (5) years from the effectivity of this Act: *Provided*, That in cases

1 where public offer of shares is not applicable, other methods of encouraging public  
2 participation by citizens and corporations operating public utilities must be  
3 implemented. Noncompliance therewith shall render the franchise *ipso facto* revoked.  
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5         SEC. 14. *Commitment to Provide and Promote the Creation of Employment*  
6 *Opportunities.* – The grantee shall create employment opportunities and accept on-  
7 the-job trainees in its franchise operations: *Provided*, That priority shall be accorded  
8 to the residents of the place where the principal office of the grantee is located:  
9 *Provided* further, That the grantee shall ensure that at least sixty percent (60%) of its  
10 employees are regular employees and in no case shall the percentage of contractual,  
11 job order, or casual employees, and independent contractors combined, exceed forty  
12 percent (40%) of its total workforce: *Provided, finally*, That the grantee shall comply  
13 with the applicable labor standards and allowance entitlement under existing labor  
14 laws, rules and regulations, and similar issuances.  
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16         The employment opportunities or jobs created shall be reflected in the General  
17 Information Sheet (GIS) to be submitted to the Securities and Exchange Commission  
18 (SEC) annually. In addition, the grantee shall include in its annual report to Congress  
19 the number of trainees and workers whose employment status are made regular, and  
20 append the appropriate certificate from the Department of Labor and Employment  
21 attesting that it has complied with the employment requirement under this Section.  
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23         SEC. 15. *Reportorial Requirement.* – The grantee shall submit an annual report  
24 on its compliance with the terms and conditions of the franchise and on its operations  
25 to the Congress of the Philippines, through the Committee on Legislative Franchises  
26 of the House of Representatives and the Committee on Public Services of the Senate,  
27 on or before April 30 of every year during the term of its franchise.  
28

29         The annual report shall include an update on the commencement of activities,  
30 development, operation, and expansion of business; audited financial statements;  
31 latest GIS officially submitted to the SEC, if applicable; certification of the NTC on the  
32 status of its permits and operations; and an update on the dispersal of ownership  
33 undertaking, if applicable.  
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1           The reportorial compliance certificate issued by Congress shall be required  
2 before any application for permit or certificate is accepted by the NTC.

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4           SEC. 16. *Fine.* – Failure of the grantee to submit the requisite annual report to  
5 Congress shall be penalized with a fine in the amount of One million pesos  
6 (P1,000,000.00) for each working day of noncompliance, the effectivity of which shall  
7 commence upon applicability with other telecommunications franchise grantees:  
8 *Provided,* That in the interim, the grantee shall be liable to pay the fine of Five hundred  
9 pesos (P500.00) per working day of noncompliance to the NTC. The fine shall be  
10 collected separately from the reportorial penalties imposed by the NTC, and it shall be  
11 remitted to the Bureau of the Treasury.

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13           SEC. 17. *Equality Clause.* – Any advantage, favor, privilege, exemption, or  
14 immunity granted under existing franchises, or which may hereafter be granted for  
15 telecommunications, upon prior review and approval of Congress, shall become part  
16 of this franchise and shall be accorded immediately and unconditionally to the herein  
17 grantee: *Provided, however,* That the foregoing shall neither apply to nor affect the  
18 provisions of telecommunications franchises concerning territory covered by the  
19 franchise, the life span of the franchise, or the type of service authorized by the  
20 franchise.

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22           SEC. 18. *Repealability and Nonexclusivity Clause.* – This franchise shall be  
23 subject to amendment, alteration, or repeal by Congress when the public interest so  
24 requires and shall not be interpreted as an exclusive grant of the privilege herein  
25 provided for.

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27           SEC. 19. *Separability Clause.* – If any of the sections or provisions of this Act  
28 is held invalid, all other provisions not affected thereby shall remain valid.

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30           SEC. 20. *Repealing Clause.* – All laws, decrees, orders, resolutions,  
31 instructions, rules and regulations, and other issuances or parts thereof which are  
32 inconsistent with the provisions of this Act are hereby repealed, amended, or modified  
33 accordingly.

1            SEC. 21. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
2 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,