

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



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SENATE
P.S. RES. No. 960

RECEIVED BY:

Introduced by Senator Robinhood Padilla

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON PUBLIC INFORMATION AND MASS MEDIA TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE INDEFINITE SUSPENSION IMPOSED BY THE NATIONAL TELECOMMUNICATIONS COMMISSION ON SONSHINE MEDIA NETWORK INTERNATIONAL (SMNI)

1 WHEREAS, Swara Sug Media Corporation, under its trade name Sonshine Media
2 Network International (SMNI), was granted its legislative franchise under Republic Act
3 No. 11422, signed by President Rodrigo Roa Duterte on 22 August 2019, which paved
4 the way for the expansion and strengthening of SMNI's broadcasting network for the
5 avowed purpose of disseminating news and information, educational, social and
6 cultural programs and other religious content and services to a large and substantial
7 segment of listeners, viewers and followers all over the country;

8 WHEREAS, pursuant to the grant of the said franchise, the National
9 Telecommunications Communications (NTC) has granted various authorizations and
10 permits to SMNI for the operation of its 58 radio and television broadcast stations
11 nationwide, 30 of which were already operational, as of the end of 2023;

12 WHEREAS, SMNI received strong criticisms from the Committee on Legislative
13 Franchises of the House of Representatives when it was summoned in a public hearing
14 due to allegations of fake news peddling and violation of the terms and conditions of
15 its franchise;

1 WHEREAS, following said committee hearing, another resolution was filed in
2 the House of Representatives, which urges the National Telecommunications
3 Commission (NTC) to suspend the operations of SSMC for allegedly violating the terms
4 and conditions of its franchise under R.A. No. 11422;

5 WHEREAS, SMNI, through its legal counsel, said that due process should be
6 given to the network since there were disclaimers about the views and opinions of
7 hosts. He added that using disclaimers is an 'open practice to all media establishments'
8 and that no law states that using disclaimers is illegal;

9 WHEREAS, on 19 December 2023, the NTC issued a show cause order against
10 SSMC to explain, in writing within fifteen (15) days from receipt, why it should not be
11 administratively sanctioned for allegedly violating the condition of its authorities to
12 comply with all the laws, rules, and regulations of the land;

13 WHEREAS, in addition to the show cause order, the NTC issued an order of
14 suspension against the network's operation of radio and television stations for thirty
15 (30) days, citing Section 16(n) of R.A. No. 11659, otherwise known as the Public
16 Services Act as amended;

17 WHEREAS, on 18 January 2024, the NTC issued an indefinite suspension order
18 for non-compliance with the previous 30-day suspension order;

19 WHEREAS, it must be noted the general rule under Section 16(n) of R.A. No.
20 11659 indicates that the NTC has the power, among others, to "suspend or revoke
21 any certificate issued under the provisions of this Act whenever the holder thereof has
22 violated or willfully and contumaciously refused to comply with any order rule or
23 regulation of the Commission or any provision of this Act";

24 WHEREAS, a proviso under the same section states that the NTC may suspend
25 for a period not exceeding thirty (30) days if such act is deemed by the Commission
26 as necessary 'to avoid serious and irreparable damage or inconvenience to the public
27 or to private interests';

28 WHEREAS, the NTC, in its show cause and suspension order, failed to indicate
29 the need to suspend the operations of the SMNI, much more express how this is
30 necessary to avoid serious and irreparable damage or inconvenience to the public or
31 to private interests;

1 WHEREAS, in the absence of proof of serious and irreparable damage or
2 inconvenience to the public or private interests that may be caused by SMNI's
3 continued operations, the general rule shall apply wherein the NTC shall have the
4 power, upon proper notice and hearing, to issue a suspension order pursuant to the
5 Public Services Act;


6 WHEREAS, the imposition of baseless suspension orders on SMNI not only
7 constitutes a denial of due process but also an erosion of press freedom;

8 WHEREAS, the right of the people to public information should not be unduly
9 curtailed because access to information on matters of public concern and of "general
10 interest, (which) aids our people in democratic decision-making by giving them a
11 better perspective of vital issues confronting our society" (J. Irine Cortes, quoted in
12 Philippine Daily Inquirer, 03 November 1996);

13 WHEREAS, the Supreme Court held in the case of Chavez v. Gonzales (G.R. No.
14 168338, 15 February 2008) that in this jurisdiction, it is established that freedom of
15 the press is crucial and so inextricably woven into the right to free speech and free
16 expression, that any attempt to restrict it must be met with an examination so critical
17 that only a danger that is clear and present would be allowed to curtail it: Now,
18 therefore, be it

19 RESOLVED BY THE SENATE, as it is hereby resolved, To direct the Senate
20 Committee on Public Information and Mass Media to conduct an inquiry, in aid of
21 legislation, on the indefinite suspension imposed by the National Telecommunications
22 Commission (NTC) on Sonshine Media Network International (SMNI)

Adopted,



ROBINHOOD PADILLA
Senator