



## HOUSE OF REPRESENTATIVES

H. No. 3063

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BY REPRESENTATIVES PADILLA AND BIRON

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AN ACT AMENDING REPUBLIC ACT NO. 9119, ENTITLED "AN ACT GRANTING THE BENGUET BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES"

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

1           SECTION 1. Section 13 of Republic Act No. 9119 is hereby amended  
2 to read as follows:

3                   "SEC. 13. *Sale, Lease, Transfer, Usufruct, etc.* – The  
4 grantee shall not lease, transfer, grant the usufruct of, sell nor  
5 assign this franchise or the rights and privileges acquired  
6 thereunder to any person, firm, company, corporation or other  
7 commercial or legal entity, nor merge with any other corporation  
8 or entity, nor shall the controlling interest of the grantee be  
9 transferred, whether as a whole or in parts and whether  
10 *simultaneously or contemporaneously*, to any such person, firm,  
11 company, corporation or entity without the prior approval of the

1 Congress of the Philippines[.]: **PROVIDED, THAT THE**  
2 **FOREGOING LIMITATION SHALL NOT APPLY TO: (A) ANY**  
3 **TRANSFER OR ISSUANCE OF SHARES TO ANY INVESTOR**  
4 **PURSUANT TO OR IN CONNECTION WITH ANY INCREASE IN THE**  
5 **GRANTEE'S AUTHORIZED CAPITAL STOCK WHICH SHALL**  
6 **RESULT IN THE DILUTION OF THE STOCKHOLDINGS OF THE**  
7 **GRANTEE'S THEN EXISTING STOCKHOLDERS; (B) ANY**  
8 **TRANSFER OR SALE OF SHARES OF STOCK TO AN INVESTOR OR**  
9 **INVESTORS; (C) ANY SALE, TRANSFER OR ASSIGNMENT OF**  
10 **SHARES BY THE STOCKHOLDERS OF THE GRANTEE IN FAVOR**  
11 **OF A HOLDING COMPANY WHOSE STOCKHOLDERS ARE**  
12 **IDENTICAL TO THE STOCKHOLDERS OF THE GRANTEE; (D) ANY**  
13 **COMBINATION THEREOF WHERE SUCH TRANSFER, SALE OR**  
14 **ISSUANCE IS EFFECTED IN ORDER TO ENABLE THE GRANTEE TO**  
15 **RAISE THE NECESSARY CAPITAL OR FINANCING FOR THE**  
16 **PROVISION OF ANY SERVICES AUTHORIZED BY THIS ACT**  
17 **AND/OR CARRY OUT ANY OF THE PURPOSES FOR WHICH THE**  
18 **GRANTEE HAS BEEN INCORPORATED OR ORGANIZED:**  
19 **PROVIDED, FURTHER, THAT ANY SUCH TRANSFER, SALE OR**  
20 **ISSUANCE IS IN ACCORDANCE WITH ANY APPLICABLE**  
21 **CONSTITUTIONAL LIMITATION. Any person or entity to which**  
22 **this franchise is sold, transferred or assigned, shall be subject to**  
23 **the same conditions, terms, restrictions and limitations of this**  
24 **Act.”**

25 SEC. 2. Section 16 of Republic Act No. 9119 is hereby amended to  
26 read as follows:

27 “SEC. 16. *Equality Clause.* – [Any advantage, favor,  
28 privilege, exemption, or immunity granted under existing  
29 franchises, or may hereafter be granted, shall *ipso facto* become  
30 part of previously granted telecommunications franchises and

1 shall be accorded immediately and unconditionally to the  
2 grantees of such franchises: *Provided, however,* That the  
3 foregoing shall neither apply to nor affect provisions of  
4 telecommunications franchises concerning territory covered by  
5 the franchise, the life span of the franchise, or the type of service  
6 authorized by the franchise.] **ANY ADVANTAGE, FAVOR,  
7 PRIVILEGE, EXEMPTION, OR IMMUNITY GRANTED UNDER  
8 EXISTING FRANCHISE, OR WHICH MAY HEREAFTER BE  
9 GRANTED FOR RADIO AND/OR TELEVISION BROADCASTING,  
10 SHALL *IPSO FACTO* BECOME PART OF THIS FRANCHISE AND  
11 SHALL BE ACCORDED IMMEDIATELY AND UNCONDITIONALLY  
12 TO THE HEREIN GRANTEE: *PROVIDED, HOWEVER, THAT THE  
13 FOREGOING SHALL NEITHER APPLY TO NOR AFFECT  
14 PROVISIONS OF BROADCASTING FRANCHISES CONCERNING  
15 TERRITORY COVERED BY THE FRANCHISE, THE LIFE SPAN OF  
16 THE FRANCHISE OR THE TYPE OF SERVICE AUTHORIZED BY  
17 THE FRANCHISE.*"**

18 SEC. 3. *Effectivity.* – This Act shall take effect fifteen (15) days from  
19 the date of its publication, upon the initiative of the grantee, in at least two (2)  
20 newspapers of general circulation in the Philippines.

Approved,

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