

9 MAY 21 P2:37

SENATE

RECEIVED BY 

COMMITTEE REPORT NO. 410

Submitted by the Committee on Public Services on
MAY 21 2009

RE : H. B. No. 3063

Recommending the approval of **H. B. No. 3063** without amendment.

Sponsor : **Senator Revilla, Jr.**


MR. PRESIDENT:

The Senate Committee on Public Services to which was referred H. B. No. 3063, introduced by Representatives Padilla and Biron, *entitled:*

**"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."**

has considered the same and has the honor to report it back to the Senate with the recommendation that the **H. B. No. 3063** be approved without amendment, with Senator Revilla, Jr. as sponsor thereof.

Respectfully submitted:


RAMON "Bong" REVILLA, JR.
Chairman
Committee on Public Services

MEMBERS:



EDGARDO J. ANGARA



GREGORIO "Gringo" B. HONASAN, II


RICHARD J. GORDON


PANFILO "Ping" M. LACSON, SR.

MAR ROXAS


FRANCIS "Chiz" G. ESCUDERO


JOKER P. ARROYO

ALAN PETER "Compañero" S. CAYETANO

FRANCIS N. PANGILINAN

EX-OFFICIO MEMBERS:


JINGGOY P. EJERCITO ESTRADA
President Pro-Tempore

Minority Amend;

AQUILINO Q. PIMENTEL, JR.
Minority Floor Leader



JUAN MIGUEL F. ZUBIRI
Majority Floor Leader

JUAN PONCE ENRILE
Senate President
Pasay City



HOUSE OF REPRESENTATIVES

H. No. 3063

BY REPRESENTATIVES PADILLA AND BIRON

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:

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

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

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

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

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

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

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

Approved,

O