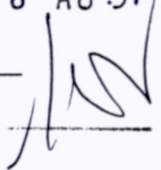


SENATE

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COMMITTEE REPORT NO. 421

RECEIVED BY: 

Submitted by the Committee on Public Services on AUG - 8 2018.

Re: House Bill no. 6165

Recommending the approval of HBN 6165 with amendments.

Sponsors: Senator Grace Poe

MR. PRESIDENT:

The Committee on Public Services to which was referred House Bill No. 6165 introduced by Representatives Treñas, Defensor, Alvarez (F), Marcoleta and Violago, entitled:

**"AN ACT GRANTING THE DEUS AMOR EST BROADCASTING, INC.
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 attached H.B. No. 6165 be approved with the following amendments:

1. On page 2, line 22, after the word provide, insert the words "**FREE OF CHARGE,**";
2. On the same page, line 23, after the word "time", insert the phrase "**WHICH IS REASONABLE AND SUFFICIENT**"; also on the same line, delete the words "the said" and in lieu thereof, insert "**ITS**";

3. On the same page, line 24 after the word "facilities" insert the words "**OF THE GRANTEE**"; delete the word "inform" and in lieu thereof insert the word "**REACH**"; after the article "the", insert the word "**PERTINENT**"; pluralize the word "**POPULATION**" and insert the phrase "**OR PORTIONS THEREOF**" after it;
4. On the same page, line 25, after the word "issues", insert the phrase "**AND RELAY IMPORTANT PUBLIC ANNOUNCEMENTS AND WARNINGS CONCERNING PUBLIC EMERGENCIES AND CALAMITIES, AS NECESSITY, URGENCY OR LAW MAY REQUIRE**"; after the word "programming" and semi colon (;) insert the phrase "**PROMOTE PUBLIC PARTICIPATION**";
5. On the same page, line 26, delete the phrase "performance of the";
6. On the same page, line 27 after the word "enterprise" and semi colon (;), insert the phrase "**PROMOTE AUDIENCE SENSIBILITY AND EMPOWERMENT INCLUDING CLOSED CAPTIONING**";
7. On page 3, after line 2, insert a new paragraph which shall read as follows:

PUBLIC SERVICE TIME REFERRED HEREIN SHALL BE EQUIVALENT TO A MAXIMUM AGGREGATE OF TEN (10%) PERCENT OF PAID COMMERCIALS OR ADVERTISEMENTS WHICH SHALL BE ALLOCATED BASED ON NEED TO THE EXECUTIVE, LEGISLATIVE, JUDICIARY, CONSTITUTIONAL COMMISSIONS AND INTERNATIONAL HUMANITARIAN ORGANIZATIONS DULY RECOGNIZED BY STATUTES: PROVIDED, THAT THE NTC SHALL INCREASE THE PUBLIC SERVICE TIME IN CASE OF EXTREME EMERGENCY OR CALAMITY. THE NTC SHALL ISSUE RULES AND REGULATIONS FOR THIS PURPOSE, THE EFFECTIVITY OF WHICH SHALL COMMENCE UPON APPLICABILITY WITH OTHER SIMILARLY SITUATED BROADCAST NETWORK FRANCHISE HOLDERS.

8. On page 4, after line 20, insert new sections which shall read as follows:

"SEC. 10. COMMITMENT TO PROVIDE AND PROMOTE THE CREATION OF EMPLOYMENT OPPORTUNITIES. – THE GRANTEE SHALL CREATE EMPLOYMENT OPPORTUNITIES AND SHALL ALLOW ON-THE-JOB TRAININGS IN THEIR FRANCHISE OPERATION. PROVIDED, THAT PRIORITY SHALL BE ACCORDED TO THE RESIDENTS WHERE THEIR PRINCIPAL OFFICE IS LOCATED. PROVIDED, FURTHER, THAT THE GRANTEE SHALL FOLLOW THE APPLICABLE LABOR STANDARDS AND ALLOWANCE ENTITLEMENT UNDER EXISTING LABOR LAWS, RULES AND REGULATIONS AND SIMILAR ISSUANCES, PROVIDED FINALLY, THAT THE EMPLOYMENT OPPORTUNITIES OR JOBS CREATED SHALL BE REFLECTED IN THE GENERAL INFORMATION SHEET (GIS) TO BE SUBMITTED TO SECURITIES AND EXCHANGE COMMISSION ANNUALLY."; and

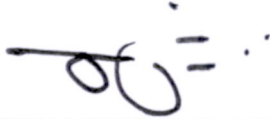
"SEC. 11. TAX PROVISIONS. – THE GRANTEE, ITS SUCCESSORS OR ASSIGNEES, SHALL CONTINUE TO BE SUBJECT TO ALL APPLICABLE TAXES, DUTIES, FEES OR CHARGES AND OTHER IMPOSITIONS UNDER REPUBLIC ACT NO. 8424, OTHERWISE KNOWN AS 'THE NATIONAL INTERNAL REVENUE CODE OF 1997', AS AMENDED; REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE 'LOCAL GOVERNMENT CODE OF 1991', AS AMENDED, AND OTHER APPLICABLE LAWS."

9. On page 5, line 5, delete the phrase "That Congress shall be informed of any sale, lease,";
10. On the same page, delete the phrase from lines 6 to 10;
11. On page 5, line 27, after the title of Section 14, delete the phrase "Except for taxes and customs duties"; and
12. Renumber the sections accordingly.

RESPECTFULLY SUBMITTED



GRACE POE
Chairperson
Committee on Public Services



JOSEPH VICTOR G. EJERCITO
Vice-Chairperson
Committee on Public Services



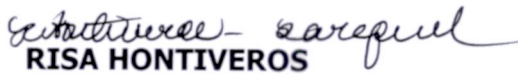
FRANCIS "Chiz" G. ESCUDERO
Vice-Chairperson
Committee on Public Services

Members



LOREN B. LEGARDA

RICHARD J. GORDON



RISA HONTIVEROS



PANFILO M. LACSON



JOEL VILLANUEVA



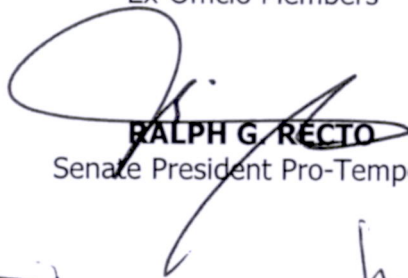
ANTONIO "Sonny" F. TRILLANES IV

JUAN MIGUEL F. ZUBIRI



PAOLO BENIGNO "Bam" AQUINO IV

Ex-Officio Members



RALPH G. RECTO
Senate President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Floor Leader



FRANKLIN M. DRILON
Minority Floor Leader

HON. VICENTE C. SOTTO III
Senate President



HOUSE OF REPRESENTATIVES

H. No. 6165

BY REPRESENTATIVES TREÑAS, DEFENSOR, ALVAREZ (F.), MARCOLETA AND
VIOLAGO, PER COMMITTEE REPORT NO. 349

AN ACT GRANTING THE DEUS AMOR EST BROADCASTING, INC. 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. *Nature and Scope of Franchise.* – Subject to the
2 provisions of the Philippine Constitution and applicable laws, rules and
3 regulations, there is hereby granted to Deus Amor Est Broadcasting, Inc.,
4 hereunder referred to as the grantee, its successors or assignees, a franchise to
5 construct, install, establish, operate, and maintain for noncommercial purposes
6 and in the public interest, radio and television broadcasting stations in the
7 Philippines, where frequencies or channels are still available for radio and
8 television broadcasting, utilizing the technological advances or innovations in
9 the future; to originate, distribute, transmit, and receive through said systems,
10 news and documentaries, entertainment, informational and educational radio
11 and television programs, both live and recorded; and to establish, construct,
12 maintain, and operate such other systems as are essential and convenient to
13 carry out the purpose of this franchise.

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

9 SEC. 3. *Prior Approval of the National Telecommunications*
10 *Commission.* – The grantee shall secure from the National
11 Telecommunications Commission (NTC) the appropriate permits and licenses
12 for the construction and operation of its stations or facilities and shall not use
13 any frequency in the radio/television spectrum without authorization from the
14 NTC. The NTC, however, shall not unreasonably withhold or delay the grant
15 of any such authority.

16 The grantee shall not dispose nor lease its facilities except to entities
17 with radio or television broadcasting franchise: *Provided,* That the grantee
18 shall inform and secure written authorization to proceed from the NTC, and
19 report the transaction to the NTC within sixty (60) days after its completion:
20 *Provided, further,* That the NTC shall determine the corresponding sanction
21 for any violation of this provision.

22 SEC. 4. *Responsibility to the Public.* – The grantee shall provide
23 adequate public service time to enable the government, through the said
24 broadcasting stations or facilities, to inform the population on important public
25 issues; provide at all times sound and balanced programming; assist in the
26 performance of the functions of public information and education; conform to
27 the ethics of honest enterprise; and to refrain from broadcasting obscene and
28 indecent language, speech, act or scene, or disseminating deliberately false

1 information or willful misrepresentation to the detriment of the public interest;
2 or inciting, encouraging, or assisting in subversive or treasonable acts.

3 SEC. 5. *Right of the Government.* – The radio spectrum is a finite
4 resource that is part of the national patrimony and the use thereof is a privilege
5 conferred upon the grantee by the State and may be withdrawn any time after
6 due process.

7 A special right is hereby reserved to the President of the Philippines, in
8 times of war, rebellion, public peril, calamity, emergency, disaster, or
9 disturbance of peace and order: to temporarily take over and operate the
10 stations or facilities of the grantee; to temporarily suspend the operation of any
11 station or facility in the interest of public safety, security and public welfare;
12 or to authorize the temporary use and operation thereof by any agency of the
13 government, upon due compensation to the grantee, for the use of the stations
14 or facilities during the period when these shall be so operated.

15 SEC. 6. *Term of Franchise.* – This franchise shall be in effect for a
16 period of twenty-five (25) years from the effectivity of this Act, unless sooner
17 revoked or cancelled. This franchise shall be deemed *ipso facto* revoked in the
18 event the grantee fails to comply with any of the following conditions:

19 (a) Commence operations within one (1) year from the approval of its
20 operating permit by the NTC;

21 (b) Commence operations within three (3) years from the effectivity
22 of this Act; and

23 (c) Operate continuously for two (2) years.

24 SEC. 7. *Acceptance of Franchise.* – Acceptance of the terms of this
25 franchise shall be given in writing to the Congress of the Philippines, through
26 the Committee on Legislative Franchises of the House of Representatives and
27 the Committee on Public Services of the Philippine Senate, within sixty (60)
28 days from the effectivity of this Act. Upon giving such acceptance, the
29 grantee shall exercise the privileges granted under this Act.

1 Nonacceptance of this franchise shall render it void.

2 SEC. 8. *Bond.* – The grantee shall file a bond with the NTC, in the
3 amount that the NTC shall determine, to guarantee compliance with and
4 fulfillment of the conditions under which this franchise is granted. If, after
5 three (3) years from the date of the approval of its permit by the NTC, the
6 grantee shall have fulfilled the same, the bond shall be released by the NTC.
7 Otherwise, the bond shall be forfeited in favor of the government and the
8 franchise *ipso facto* revoked.

9 SEC. 9. *Self-regulation by and Undertaking of the Grantee.* – The
10 grantee shall not require any previous censorship of any speech, play, act or
11 scene, or other matter to be broadcast from its stations, but if any such speech,
12 play, act or scene, or other matter should constitute a violation of the law or
13 infringement of a private right, the grantee shall be free from any liability,
14 civil or criminal, for such speech, play, act or scene, or other matter:
15 *Provided*, That the grantee, during any broadcast, shall cut off the airing of
16 speech, play, act or scene, or other matter being broadcast if the tendency
17 thereof is to propose and/or incite treason, rebellion or sedition; or the
18 language used therein or the theme thereof is indecent or immoral: *Provided*,
19 *further*, That willful failure to do so shall constitute a valid cause for the
20 cancellation of this franchise.

21 SEC. 10. *Warranty in Favor of the National and Local Governments.*
22 – The grantee shall hold the national, provincial, city, and municipal
23 governments of the Philippines free from all claims, liabilities, demands, or
24 actions arising out of accidents causing injury to persons or damage to
25 properties, during the construction or operation of the stations of the grantee.

26 SEC. 11. *Sale, Lease, Transfer, Grant of Usufruct, or Assignment of*
27 *Franchise.* – The grantee shall not sell, lease, transfer, grant the usufruct of,
28 nor assign this franchise or the rights and privileges acquired thereunder to any
29 person, firm, company, corporation, or other commercial or legal entity, nor

1 merge with any other corporation or entity, nor the controlling interest of the
2 grantee be transferred, whether as a whole or in part, and whether
3 simultaneously or contemporaneously, to any such person, firm, company,
4 corporation or entity without the prior approval of the Congress of the
5 Philippines: *Provided*, That Congress shall be informed of any sale, lease,
6 transfer, grant of usufruct, or assignment of franchise or the rights and
7 privileges acquired thereunder, or of the merger or transfer of the controlling
8 interest of the grantee, within sixty (60) days after the completion of the said
9 transaction: *Provided, further*, That failure to report to Congress such change
10 of ownership shall render the franchise *ipso facto* revoked: *Provided, finally*,
11 That any person or entity to which this franchise is sold, transferred or
12 assigned shall be subject to the same conditions, terms, restrictions, and
13 limitations of this Act.

14 SEC. 12. *Reportorial Requirement.* – The grantee shall submit an
15 annual report to the Congress of the Philippines, through the Committee on
16 Legislative Franchises of the House of Representatives and the Committee on
17 Public Services of the Philippine Senate, on its compliance with the terms and
18 conditions of the franchise and on its operations on or before April 30 of every
19 year during the term of its franchise. The reportorial compliance certificate
20 issued by Congress shall be required before any application for permit or
21 certificate is accepted by the NTC.

22 SEC. 13. *Fine.* – Failure of the grantee to submit the requisite annual
23 report to Congress shall be penalized by a fine of five hundred pesos (P500.00)
24 per working day of noncompliance. The fine shall be collected separately by
25 the NTC distinct from the penalties it imposes for noncompliance of its own
26 reportorial requirements.

27 SEC. 14. *Equality Clause.* – Except for taxes and customs duties, any
28 advantage, favor, privilege, exemption, or immunity granted under existing
29 franchises, or which may hereafter be granted for radio and/or television

1 broadcasting, upon prior review and approval of Congress, shall become part
2 of this franchise and shall be accorded immediately and unconditionally to the
3 herein grantee: *Provided*, That the foregoing shall neither apply to nor affect
4 the provisions of broadcasting franchises pertaining to the term, the type of
5 service, or the territorial coverage of the franchise.

6 SEC. 15. *Repealability and Nonexclusivity Clause.* – This franchise
7 shall be subject to amendment, alteration, or repeal by the Congress of the
8 Philippines when the public interest so requires and shall not be interpreted as
9 an exclusive grant of the privileges herein provided for.

10 SEC. 16. *Separability Clause.* – If any of the sections or provisions of
11 this Act is held invalid, all other provisions not affected thereby shall remain
12 valid.

13 SEC. 17. *Repealing Clause.* – All laws, decrees, executive orders, rules
14 and regulations or parts or provisions thereof which are not consistent with this
15 Act are hereby repealed, amended, or modified accordingly.

16 SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after
17 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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