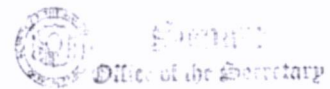


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

18 SEP 19 AIO 47

COMMITTEE REPORT NO. 467

Submitted by the Committee on Public Services on **SEP 19 2018** RECEIVED 

Re: House Bill no. 6170

Recommending the approval of HBN 6170 with amendments.

Sponsor: Senator Grace Poe

MR. PRESIDENT:

The Committee on Public Services to which was referred House Bill No. 6170 introduced by Representatives Acosta, Nograles(K.A.), Alvarez (F), and Marcoleta, entitled:

**"AN ACT
EXTENDING FOR ANOTHER TWENTY-FIVE (25) YEARS
THE FRANCHISE GRANTED TO RMC BROADCASTING CORPORATION
UNDER REPUBLIC ACT NO. 8159, ENTITLED AN ACT GRANTING
THE DXRA-RMC (RIZAL MEMORIAL COLLEGES) BROADCASTING
CORPORATION A FRANCHISE TO CONSTRUCT, ESTABLISH,
OPERATE AND MAINTAIN A COMMERCIAL RADIO BROADCASTING
STATION IN THE PHILIPPINES, AND FOR OTHER PURPOSES."**

has considered the same and has the honor to report it back to the Senate with the recommendation that the attached H.B. No. 6170 be approved with the following amendments:

1. On page 2, line 25, after the word provide, insert the words "**FREE OF CHARGE,**";
2. On the same page, line 26, after the word "time", insert the words "**WHICH IS REASONABLE AND SUFFICIENT**"; also on the same line, after the words " through the" delete the word "said";
3. On the same page, line 27 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 28, 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 same page, line 29, delete the phrase "performance of the";
6. On page 3, line 1 after the word "enterprise" and semi colon (;), insert the phrase "**PROMOTE AUDIENCE SENSIBILITY AND EMPOWERMENT INCLUDING CLOSED CAPTIONING**";
7. On the same page , line 1, delete the phrase "to refrain from" and in lieu thereof insert the phrase "**NOT USE ITS STATIONS OR FACILITIES FOR THE**"; in the same line, after the word "broadcasting" insert the preposition "**OF**"; and after the word "obscene" delete the conjunction "and" and in lieu thereof replace it with "**OR**";

8. On same page, line 2 after the conjunction "or", insert the words "**FOR THE**"; delete the word "disseminating" and in lieu thereof replace it with the words "**DISSEMINATION OF**";
9. On the same page, line 3, after the word "information" delete "or" and replace it with "**AND**";
10. On the same page, line 4, after the conjunction "or" delete the phrase "inciting, encouraging, or assisting" and in lieu thereof replace it with "**INCITE, ENCOURAGE, OR ASSIST**";
11. On page 3, after line 4, 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.

12. On page 4, after line 15, insert new sections that 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, AND OTHER APPLICABLE LAWS.”;

13. On the same page, line 24, delete the phrase “That Congress shall be informed of any sale, lease,”;
14. On the same page, delete lines 25 to 29;
15. On page 5, line 27, after the title of the Section, delete the phrase “Except for taxes and customs duties,”; and
16. Renumber the sections accordingly.

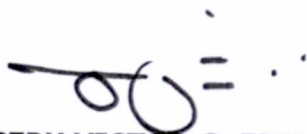
RESPECTFULLY SUBMITTED



GRACE POE

Chairperson

Committee on Public Services



JOSEPH VICTOR G. EJERCITO

Vice-Chairperson

Committee on Public Services



FRANCIS "Chiz" G. ESCUDERO

Vice-Chairperson


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Majority Floor Leader



FRANKLIN M. DRILON

Minority Floor Leader

HON. VICENTE C. SOTTO III

Senate President



HOUSE OF REPRESENTATIVES

H. No. 6170

BY REPRESENTATIVES ACOSTA, NOGRALES (K.A.), ALVAREZ (F.) AND
MARCOLETA, PER COMMITTEE REPORT NO. 354

AN ACT EXTENDING FOR ANOTHER TWENTY-FIVE (25) YEARS
THE FRANCHISE GRANTED TO RMC BROADCASTING
CORPORATION UNDER REPUBLIC ACT NO. 8159, ENTITLED
"AN ACT GRANTING THE DXRA-RMC (RIZAL MEMORIAL
COLLEGES) BROADCASTING CORPORATION A FRANCHISE
TO CONSTRUCT, ESTABLISH, OPERATE AND MAINTAIN
A COMMERCIAL RADIO BROADCASTING STATION IN THE
PHILIPPINES, AND FOR OTHER PURPOSES"

*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, the franchise granted to RMC Broadcasting Corporation,
4 hereunder referred to as the grantee, its successors or assignees, under
5 Republic Act No. 8159, to construct, install, establish, operate, and maintain
6 for commercial purposes and in the public interest, radio and/or television
7 broadcasting stations, including digital television system, through microwave,
8 satellite or whatever means, as well as the use of any new technology in
9 television and radio systems, with the corresponding technological auxiliaries

1 and facilities, special broadcast and other program and distribution services
2 and relay stations in the Philippines, is hereby extended for another
3 twenty-five (25) years from the effectivity of this Act.

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

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

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

25 SEC. 4. *Responsibility to the Public.* – The grantee shall provide
26 adequate public service time to enable the government, through the said
27 broadcasting stations or facilities, to inform the population on important public
28 issues; provide at all times sound and balanced programming; assist in the
29 performance of the functions of public information and education; conform to

1 the ethics of honest enterprise; and to refrain from broadcasting obscene and
2 indecent language, speech, act or scene; or disseminating deliberately false
3 information or willful misrepresentation, to the detriment of the public
4 interest; or inciting, encouraging, or assisting in subversive or treasonable acts.

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

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

17 SEC. 6. *Term of Franchise.* – This franchise shall be in effect for a
18 period of twenty-five (25) years from the effectivity of this Act, unless sooner
19 revoked or cancelled. This franchise shall be deemed *ipso facto* revoked in the
20 event the grantee fails to operate continuously for two (2) years.

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

27 Nonacceptance shall render the franchise void.

28 SEC. 8. *Self-regulation by and Undertaking of Grantee.* – The grantee
29 shall not require any previous censorship of any speech, play, act or scene, or

1 other matter to be broadcast from its stations, but if any such speech, play, act
2 or scene, or other matter should constitute a violation of the law or
3 infringement of a private right, the grantee shall be free from any liability,
4 civil or criminal, for such speech, play, act or scene, or other matter: *Provided,*
5 That the grantee, during any broadcast, shall cut off the airing of speech, play,
6 act or scene, or other matter being broadcast if the tendency thereof is to
7 propose and/or incite treason, rebellion or sedition; or the language used
8 therein or the theme thereof is indecent or immoral: *Provided, further,* That
9 willful failure to do so shall constitute a valid cause for the cancellation of this
10 franchise.

11 *SEC. 9. Warranty in Favor of the National and Local Governments. -*

12 The grantee shall hold the national, provincial, city, and municipal
13 governments of the Philippines free from all claims, liabilities, demands, or
14 actions arising out of accidents causing injury to persons or damage to
15 properties, during the construction or operation of the stations of the grantee.

16 *SEC. 10. Sale, Lease, Transfer, Grant of Usufruct, or Assignment of*

17 *Franchise. -* The grantee shall not sell, lease, transfer, grant the usufruct of,
18 nor assign this franchise or the rights and privileges acquired thereunder to any
19 person, firm, company, corporation, or other commercial or legal entity, nor
20 merge with any other corporation or entity, nor the controlling interest of the
21 grantee be transferred, whether as a whole or in part, and whether
22 simultaneously or contemporaneously, to any such person, firm, company,
23 corporation or entity without the prior approval of the Congress of the
24 Philippines: *Provided,* That Congress shall be informed of any sale, lease,
25 transfer, grant of usufruct, or assignment of franchise or the rights and
26 privileges acquired thereunder, or of the merger or transfer of the controlling
27 interest of the grantee, within sixty (60) days after the completion of the said
28 transaction: *Provided, further,* That failure to report to Congress such change
29 of ownership shall render the franchise *ipso facto* revoked: *Provided, finally,*

1 That any person or entity to which this franchise is sold, transferred or
2 assigned shall be subject to the same conditions, terms, restrictions, and
3 limitations of this Act.

4 SEC. 11. *Dispersal of Ownership.* – In accordance with the
5 constitutional provision to encourage public participation in public utilities, the
6 grantee shall offer to Filipino citizens at least thirty percent (30%) or a higher
7 percentage that may hereafter be provided by law of its outstanding capital
8 stock in any securities exchange in the Philippines within five (5) years from
9 the commencement of its operations: *Provided,* That in cases where public
10 offer of shares is not applicable, establishment of cooperatives and application
11 of other methods of encouraging public participation by citizens and
12 corporations operating public utilities as allowed by law must be implemented.

13 Noncompliance therewith shall render the franchise *ipso facto* revoked.

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 concerning territorial coverage, the
5 term, or the type of service authorized by 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, orders, resolutions,
14 instructions, rules and regulations, and other issuances or parts thereof which
15 are inconsistent with the provisions of this Act are hereby repealed, amended,
16 or modified accordingly.

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

Approved,

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