

(AS AMENDED BY THE SENATE)

CONGRESS OF THE PHILIPPINES
SEVENTEENTH CONGRESS
Second Regular Session



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. *COMMITMENT TO PROVIDE AND PROMOTE THE*
17 *CREATION OF EMPLOYMENT OPPORTUNITIES.* – THE GRANTEE
18 SHALL CREATE EMPLOYMENT OPPORTUNITIES AND SHALL
19 ALLOW ON-THE-JOB TRAININGS IN THEIR FRANCHISE
20 OPERATION: *PROVIDED*, THAT PRIORITY SHALL BE
21 ACCORDED TO THE RESIDENTS WHERE THEIR PRINCIPAL
22 OFFICE IS LOCATED: *PROVIDED, FURTHER*, THAT THE
23 GRANTEE SHALL FOLLOW THE APPLICABLE LABOR
24 STANDARDS AND ALLOWANCE ENTITLEMENT UNDER
25 EXISTING LAWS, RULES AND REGULATIONS AND SIMILAR
26 ISSUANCES: *PROVIDED, FINALLY*, THAT THE EMPLOYMENT
27 OPPORTUNITIES OR JOBS CREATED SHALL BE REFLECTED IN

1 THE GENERAL INFORMATION SHEET (GIS) TO BE SUBMITTED
2 TO THE SECURITIES AND EXCHANGE COMMISSION.

3 SEC. [10] 11. *Sale, Lease, Transfer, Grant of Usufruct, or Assignment of*
4 *Franchise.* – The grantee shall not sell, lease, transfer, grant the usufruct of,
5 nor assign this franchise or the rights and privileges acquired thereunder to any
6 person, firm, company, corporation, or other commercial or legal entity, nor
7 merge with any other corporation or entity, nor the controlling interest of the
8 grantee be transferred, [whether as a whole or in part, and whether]
9 simultaneously [or contemporaneously,] to any such person, firm, company,
10 corporation or entity without the prior approval of the Congress of the
11 Philippines[:]. [Provided, That] Congress shall be informed of any sale, lease,
12 transfer, grant of usufruct, or assignment of franchise or the rights and privileges
13 acquired thereunder, or of the merger or transfer of the controlling interest of
14 the grantee, within sixty (60) days after the completion of the said transaction[:].
15 [Provided, further, That] [f]Failure to report to Congress such change of
16 ownership shall render the franchise *ipso facto* revoked[:]. [Provided, finally,
17 That] [a]Any person or entity to which this franchise is sold, transferred or
18 assigned shall be subject to the same conditions, terms, restrictions, and
19 limitations of this Act.

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

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

2 SEC. [12] 13. *Reportorial Requirement.* – The grantee shall submit an
3 annual report to the Congress of the Philippines, through the Committee on
4 Legislative Franchises of the House of Representatives and the Committee on
5 Public Services of the Philippine Senate, on its compliance with the terms and
6 conditions of the franchise and on its operations on or before April 30 of every
7 year during the term of its franchise. The reportorial compliance certificate
8 issued by Congress shall be required before any application for permit or
9 certificate is accepted by the NTC.

10 SEC. [13] 14. *Fine.* – Failure of the grantee to submit the requisite annual
11 report to Congress shall be penalized by a fine of five hundred pesos (P500.00)
12 per working day of noncompliance. The fine shall be collected separately by
13 the NTC distinct from the penalties it imposes for noncompliance of its own
14 reportorial requirements.

15 SEC. [14] 15. *Equality Clause.* – Except for taxes and customs duties, any
16 advantage, favor, privilege, exemption, or immunity granted under existing
17 franchises, or which may hereafter be granted for radio and/or television
18 broadcasting, upon prior review and approval of Congress, shall become part
19 of this franchise and shall be accorded immediately and unconditionally to the
20 herein grantee: *Provided,* That the foregoing shall neither apply to nor affect
21 the provisions of broadcasting franchises concerning territorial coverage, the
22 term, or the type of service authorized by the franchise.

23 SEC. [15] 16. *Repealability and Nonexclusivity Clause.* – This franchise
24 shall be subject to amendment, alteration, or repeal by the Congress of the
25 Philippines when the public interest so requires and shall not be interpreted as
26 an exclusive grant of the privileges herein provided for.

1 SEC. [16] 17. *Separability Clause.* – If any of the sections or provisions of
2 this Act is held invalid, all other provisions not affected thereby shall remain
3 valid.

4 SEC. [17] 18. *Repealing Clause.* – All laws, decrees, orders, resolutions,
5 instructions, rules and regulations, and other issuances or parts thereof which
6 are inconsistent with the provisions of this Act are hereby repealed, amended,
7 or modified accordingly.

8 SEC. [18] 19. *Effectivity.* – This Act shall take effect fifteen (15) days after
9 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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