

(AS AMENDED BY THE SENATE)

CONGRESS OF THE PHILIPPINES  
SEVENTEENTH CONGRESS  
*Second Regular Session*

}

## HOUSE OF REPRESENTATIVES

H. No. 6315

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BY REPRESENTATIVES TREÑAS, ALVAREZ (F.), MARCOLETA, CUEVA AND  
DEFENSOR, PER COMMITTEE REPORT NO. 371

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AN ACT GRANTING THE VOLUNTEER LIFECARE MINISTRIES, INC.  
A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH,  
OPERATE AND MAINTAIN NONCOMMERCIAL RADIO  
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 Volunteer Lifecare Ministries, 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/or television broadcasting stations in the  
7 Philippines, where frequencies and/or channels are still available for radio  
8 and/or television broadcasting, including digital television system, through  
9 microwave, satellite or whatever means, including the use of any new  
10 technology in television and radio systems, with the corresponding  
11 technological auxiliaries and facilities, special broadcast, and other program  
12 and distribution services and relay stations.

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 franchise: *Provided,* That the grantee shall inform and  
18 secure written authorization to proceed from the NTC, and report the  
19 transaction to the NTC within sixty (60) days after its completion: *Provided,*  
20 *further,* That the NTC shall determine the corresponding sanction for any  
21 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 reach the population on important public  
25 issues; provide at all times sound and balanced programming; assist in the  
26 functions of public information and education; conform to the ethics of honest  
27 enterprise; and not use its stations or facilities for the broadcasting of obscene  
28 and indecent language, speech, act or scene; or for the dissemination of  
29 deliberately false information or willful misrepresentation to the detriment of

1 the public interest; or to incite, encourage, or assist in subversive or  
2 treasonable acts.

3 SEC. 5. *Right of Government.* – The radio spectrum is a finite resource  
4 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 said 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, unless sooner revoked or cancelled. This  
17 franchise shall be deemed *ipso facto* revoked in the event the grantee fails to  
18 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 of  
22 this Act; and

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

24 SEC. 7. *Bond.* – The grantee shall file a bond with the NTC, in the  
25 amount that the NTC shall determine, to guarantee compliance with and  
26 fulfillment of the conditions under which this franchise is granted. If, after  
27 three (3) years from the date of the approval of its permit by the NTC, the  
28 grantee shall have fulfilled the same, the bond shall be cancelled by the NTC.

1 Otherwise, the bond shall be forfeited in favor of the government and the  
2 franchise *ipso facto* revoked.

3 SEC. 8. *Self-regulation by and Undertaking of the Grantee.* – The  
4 grantee shall not require any previous censorship of any speech, play, act or  
5 scene, or other matter to be broadcast from its stations: *Provided*, That the  
6 grantee, during any broadcast, shall cut off from the air the speech, play, act or  
7 scene, or other matter being broadcast if the tendency thereof is to propose  
8 and/or incite treason, rebellion or sedition; or the language used therein or the  
9 theme thereof is indecent or immoral: *Provided, further*, That willful failure to  
10 do so shall constitute a valid cause for the cancellation of this 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  
18 GRANTEE SHALL CREATE EMPLOYMENT OPPORTUNITIES  
19 AND SHALL ALLOW ON-THE-JOB TRAININGS IN THEIR  
20 FRANCHISE OPERATION: *PROVIDED*, THAT PRIORITY SHALL  
21 BE ACCORDED TO THE RESIDENTS WHERE THEIR  
22 PRINCIPAL OFFICE IS LOCATED: *PROVIDED, FURTHER*, THAT  
23 THE 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

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

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

21 SEC. [11] 12. *Reportorial Requirement.* – The grantee shall submit an  
22 annual report to the Congress of the Philippines, through the Committee on  
23 Legislative Franchises of the House of Representatives and the Committee on  
24 Public Services of the Senate, on its compliance with the terms and conditions  
25 of the franchise and on its operations on or before April 30 of every year  
26 during the term of its franchise. The reportorial compliance certificate issued  
27 by Congress shall be required before any application for permit or certificate is  
28 accepted by the NTC.



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

6 SEC. [13] 14. *Equality Clause.* – Except for taxes and customs duties, any  
7 advantage, favor, privilege, exemption, or immunity granted under existing  
8 franchises, or which may hereafter be granted for radio and/or television  
9 broadcasting, upon prior review and approval of Congress, shall become part  
10 of this franchise and shall be accorded immediately and unconditionally to the  
11 herein grantee: *Provided,* That the foregoing shall neither apply to nor affect  
12 the provisions of broadcasting franchises concerning territory covered by the  
13 franchise, the life span of the franchise, or the type of service authorized by the  
14 franchise.

15 SEC. [14] 15. *Repealability and Nonexclusivity Clause.* – This franchise  
16 shall be subject to amendment, alteration, or repeal by the Congress of the  
17 Philippines when the public interest so requires and shall not be interpreted as  
18 an exclusive grant of the privileges herein provided for.

19 SEC. [15] 16. *Separability Clause.* – If any of the sections or provisions of  
20 this Act is held invalid, all other provisions not affected thereby shall remain  
21 valid.

22 SEC. [16] 17. *Repealing Clause.* – All laws, decrees, orders, resolutions,  
23 instructions, rules and regulations, and other issuances, or parts thereof which  
24 are inconsistent with the provisions of this Act are hereby repealed, amended,  
25 or modified accordingly.

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

Approved,