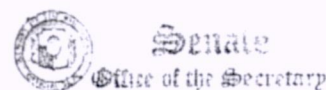


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



'19 MAY 21 P5:03

SENATE

RECEIVED

COMMITTEE REPORT NO. 664

MAY 21 2019

Submitted by the Committee on Public Services on _____.

Re: House Bill no. 8633

Recommending the approval of HBN 8633 with amendments.

Sponsor: Senator Grace Poe

MR. PRESIDENT:

The Committee on Public Services to which was referred House Bill No. 8633 introduced by Representatives Ferrer, Alvarez (F.) and Sy-Alvarado, entitled:

**"AN ACT
RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE
FRANCHISE GRANTED TO ULTIMATE ENTERTAINMENT, INC., UNDER
REPUBLIC ACT NO. 8102, ENTITLED "AN ACT GRANTING THE
ULTIMATE ENTERTAINMENT, INC., A FRANCHISE TO CONSTRUCT,
INSTALL, MAINTAIN AND OPERATE RADIO BROADCASTING
STATIONS WITHIN 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. 8633 be approved with the following amendments:

1. On page 5, lines 18 and 19, delete the phrase "whether as a whole or in part, and whether";

2. On the same page, lines 21 to 22, after the word "Philippines" insert a period (.) and delete the phrase "and compliance with legal requirements stipulated in other statutes: Provided, That" and in lieu thereof insert new sentences which shall read as follows: **"CONGRESS SHALL BE INFORMED OF ANY SALE, LEASE, TRANSFER, GRANT OF USUFRUCT, OR ASSIGNMENT OF FRANCHISE OR THE RIGHTS AND PRIVILEGES ACQUIRED THEREUNDER, OR OF THE MERGER OR TRANSFER OF THE CONTROLLING INTEREST OF THE GRANTEE, WITHIN SIXTY (60) DAYS AFTER THE COMPLETION OF THE SAID TRANSACTION. FAILURE TO REPORT TO CONGRESS SUCH CHANGE OF OWNERSHIP SHALL RENDER THE FRANCHISE IPSO FACTO REVOKED."**; also on line 22 capitalize letter "a" in the word "any";

3. On page 7, line 7, before the word "Any", insert the phrase **"EXCEPT FOR TAXES AND CUSTOMS DUTIES,"**.

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


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Majority Floor Leader



FRANKLIN M. DRILON
Minority Floor Leader

HON. VICENTE C. SOTTO III
Senate President

CONGRESS OF THE PHILIPPINES
SEVENTEENTH CONGRESS
Third Regular Session

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HOUSE OF REPRESENTATIVES

H. No. 8633

BY REPRESENTATIVES FERRER (J.), ALVAREZ (F.) AND SY-ALVARADO,
PER COMMITTEE REPORT NO. 944

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO ULTIMATE ENTERTAINMENT, INC., UNDER REPUBLIC ACT NO. 8102, ENTITLED "AN ACT GRANTING THE ULTIMATE ENTERTAINMENT, INC., A FRANCHISE TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE RADIO BROADCASTING STATIONS WITHIN 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 Constitution and applicable laws, rules and
3 regulations, the franchise granted to Ultimate Entertainment, Inc.,
4 its successors or assignees, under Republic Act No. 8102, to
5 construct, install, establish, operate, and maintain for commercial
6 purposes and in the public interest, radio broadcasting stations
7 where frequencies and/or channels are still available for radio
8 broadcasting, through microwave, satellite or whatever means,
9 including the use of any new technology in radio systems, with the

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

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

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

21 SEC. 4. *Responsibility to the Public.* - The grantee shall
22 provide, free of charge, adequate public service time which is
23 reasonable and sufficient to enable the government, through the
24 broadcasting stations or facilities of the grantee, to reach the
25 pertinent populations or portions thereof, on important public issues
26 and relay important public announcements and warnings
27 concerning public emergencies and calamities, as necessity, urgency

1 or law may require; provide at all times sound and balanced
2 programming; promote public participation; assist in the functions
3 of public information and education; conform to the ethics of honest
4 enterprise; promote audience sensibility and empowerment
5 including closed captioning; and not use its stations or facilities for
6 the broadcasting of obscene or indecent language, speech, act, or
7 scene; or for the dissemination of deliberately false information or
8 willful misrepresentation, to the detriment of the public interest; or
9 to incite, encourage, or assist in subversive or treasonable acts.

10 Public service time referred herein shall be equivalent to a
11 maximum aggregate of ten percent (10%) of the paid commercials or
12 advertisements which shall be allocated based on need of the
13 Executive and Legislative branches, the Judiciary, Constitutional
14 Commissions and international humanitarian organizations duly
15 recognized by statutes: *Provided*, That the NTC shall increase the
16 public service time in case of extreme emergency or calamity. The
17 NTC shall issue rules and regulations for this purpose, the
18 effectivity of which shall commence upon applicability with other
19 similarly situated broadcast network franchise holders.

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

24 A special right is hereby reserved to the President of the
25 Philippines, in times of war, rebellion, public peril, calamity,
26 emergency, disaster, or disturbance of peace and order: to
27 temporarily take over and operate the stations or facilities of the

1 grantee; to temporarily suspend the operation of any station or
2 facility in the interest of public safety, security and public welfare;
3 or to authorize the temporary use and operation thereof by any
4 agency of the government, upon due compensation to the grantee,
5 for the use of said stations or facilities during the period when these
6 shall be so operated.

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

12 SEC. 7. *Self-regulation by and Undertaking of the Grantee.* -
13 The grantee shall not require any previous censorship of any
14 speech, play, act, or scene, or other matter to be broadcast from its
15 stations: *Provided*, That the grantee, during any broadcast, shall
16 cut off from the air the speech, play, act, or scene, or other matter
17 being broadcast if the tendency thereof is to propose or incite
18 treason, rebellion or sedition; or the language used therein or the
19 theme thereof is indecent or immoral: *Provided, further*, That
20 willful failure to do so shall constitute a valid cause for the
21 cancellation of this franchise.

22 SEC. 8. *Warranty in Favor of the National and Local*
23 *Governments.* - The grantee shall hold the national, provincial,
24 city, and municipal governments of the Philippines free from all
25 claims, liabilities, demands, or actions arising out of accidents
26 causing injury to persons or damage to properties, during the
27 construction or operation of the stations of the grantee.

1 SEC. 9. *Commitment to Provide and Promote the Creation of*
2 *Employment Opportunities.* – The grantee shall create employment
3 opportunities and shall allow on-the-job trainings in their franchise
4 operation: *Provided,* That priority shall be accorded to the residents
5 in areas where any of its offices is located: *Provided, further,* That
6 the grantee shall comply with the applicable labor standards and
7 allowance entitlement under existing labor laws, rules and
8 regulations and similar issuances: *Provided, finally,* That the
9 employment opportunities or jobs created shall be reflected in the
10 General Information Sheet to be submitted to the Securities and
11 Exchange Commission (SEC) annually.

12 SEC. 10. *Sale, Lease, Transfer, Grant of Usufruct, or*
13 *Assignment of Franchise.* – The grantee shall not sell, lease,
14 transfer, grant the usufruct of, nor assign this franchise or the
15 rights and privileges acquired thereunder to any person, firm,
16 company, corporation or other commercial or legal entity, nor merge
17 with any other corporation or entity, nor shall transfer the
18 controlling interest of the grantee, [whether as a whole or in part,
19 and whether] simultaneously or contemporaneously, to any person,
20 firm, company, corporation, or entity without the prior approval of
21 the Congress of the Philippines. [and compliance with legal
22 requirements stipulated in other statutes: *Provided, That*] ^Aany
23 person or entity to which this franchise is sold, transferred, or
24 assigned shall be subject to the same conditions, terms, restrictions,
25 and limitations of this Act.

26 SEC. 11. *Dispersal of Ownership.* – In accordance with the
27 Constitutional provision to encourage public participation in public

insert

1 utilities, the grantee shall offer to Filipino citizens at least thirty
2 percent (30%) or a higher percentage that may hereafter be
3 provided by law of its outstanding capital stock in any securities
4 exchange in the Philippines within five (5) years from the
5 commencement of its operations: *Provided*, That in cases where
6 public offer of shares is not applicable, the grantee shall apply other
7 methods of encouraging public participation by citizens and
8 corporations operating public utilities as allowed by law.
9 Noncompliance therewith shall render the franchise *ipso facto*
10 revoked.

11 SEC. 12. *Reportorial Requirement.* - The grantee shall
12 submit an annual report to the Congress of the Philippines, through
13 the Committee on Legislative Franchises of the House of
14 Representatives and the Committee on Public Services of the
15 Senate, on its compliance with the terms and conditions of the
16 franchise and on its operations on or before April 30 of every year
17 during the term of its franchise.

18 The annual report shall include an update on the roll-out,
19 development, operation, or expansion of business; audited financial
20 statements; latest General Information Sheet officially submitted to
21 the SEC (if applicable); certification of the NTC on the status of its
22 permits and operations; and an update on the dispersal of
23 ownership undertaking, if applicable.

24 The reportorial compliance certificate issued by Congress
25 shall be required before an application for permit, certificate, or any
26 equivalent thereof, is accepted by the NTC.

1 SEC. 13. *Fine.* - Failure of the grantee to submit the
2 requisite annual report to Congress shall be penalized by a fine of
3 Five hundred pesos (P500.00) per working day of noncompliance.
4 The fine shall be collected by the NTC from the delinquent franchise
5 grantee separate from the reportorial penalties imposed by the NTC
6 and the same shall be remitted to the National Treasury.

7 SEC. 14. *Equality Clause.* - Any advantage, favor, privilege,
8 exemption, or immunity granted under existing franchises, or which
9 may hereafter be granted for radio broadcasting, upon prior review
10 and approval of Congress, shall become part of this franchise and
11 shall be accorded immediately and unconditionally to the herein
12 grantee: *Provided,* That the foregoing shall neither apply to nor
13 affect provisions of broadcasting franchises concerning territorial
14 coverage, the term, or the type of service authorized by the
15 franchise.

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

21 SEC. 16. *Separability Clause.* - If any of the sections or
22 provisions of this Act is held invalid, all other provisions not
23 affected thereby shall remain valid.

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

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

 Approved,

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