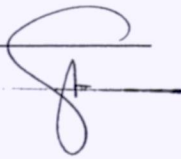


20 MAR -3 P4 :34

**SENATE**

**COMMITTEE REPORT NO. 59**

RECEIVED BY



Submitted by the Committee on Public Services on **MAR - 3 2020**.

Re: House Bill no. 4583

Recommending the approval of HBN 4583 with amendment.

Sponsor: Senator Grace Poe

**MR. PRESIDENT:**

The Committee on Public Services to which was referred House Bill No.4583, introduced by Representatives Xavier Jesus D. Romualdo and Franz Alvarez, entitled:

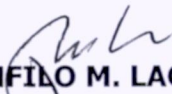
**"AN ACT  
RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE  
FRANCHISE GRANTED TO BROADCAST ENTERPRISES AND  
AFFILIATED MEDIA, INC. UNDER REPUBLIC ACT NO. 8098 TO  
CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN  
RADIO AND TELEVISION BROADCASTING STATIONS IN THE  
PHILIPPINES"**

has considered the same and has the honor to report it back to the Senate with the recommendation that the attached H.B. No. 4583 be approved with the following amendment:

1. On page 4, delete lines 20 to 24; and renumber the subsequent sections accordingly.

RESPECTFULLY SUBMITTED

  
**GRACE POE**  
Chairperson  
Committee on Public Services

  
**PANFILO M. LACSON**  
Vice-Chairperson  
Committee on Public Services


  
**RAMON "Bong" REVILLA JR.**  
Vice-Chairperson  
Committee on Public Services

*will interpellate*

  
**EMMANUEL "Manny" D. PACQUIAO**  
Vice-Chairperson  
Committee on Public Services

  
**WIN GATCHALIAN**  
Vice-Chairperson  
Committee on Public Services

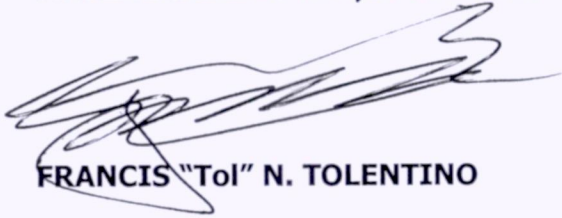
Members


  
**CHRISTOPHER BONG GO**

**RICHARD J. GORDON**


  
**MARIA LOURDES NANCY S. BINAY**

**JOEL VILLANUEVA**

  
**FRANCIS "Tol" N. TOLENTINO**


  
**MANUEL "Lito" M. LAPID**

**FRANCIS "Kiko" N. PANGILINAN**

  
**RISA HONTIVEROS**  
*will interpellate / propose amendments.*

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. 4583

---

BY REPRESENTATIVES ROMUALDO AND ALVAREZ (F.), PER COMMITTEE  
REPORT NO. 13

---

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE  
FRANCHISE GRANTED TO BROADCAST ENTERPRISES AND  
AFFILIATED MEDIA, INC. UNDER REPUBLIC ACT NO. 8098  
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 Constitution and applicable laws, rules and  
3 regulations, the franchise granted to Broadcast Enterprises and  
4 Affiliated Media, Inc., hereunder referred to as the grantee, its  
5 successors or assignees, under Republic Act No. 8098, to construct,  
6 install, operate, and maintain, for commercial purposes and in the  
7 public interest, radio and television, broadcasting stations, including  
8 cable and digital television systems, pay service, through  
9 microwave, satellite, terrestrial, or broadcasting through any other  
10 means, as well as the use of any new technology in television and  
11 radio systems, with the corresponding auxiliaries and facilities,



1 special broadcast and other program and distribution services and  
2 relay stations in the Philippines, is hereby renewed for another  
3 twenty-five (25) years.

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

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

21 The grantee shall not dispose or lease its facilities except to  
22 entities with radio or television broadcasting franchise: *Provided,*  
23 That the grantee shall inform and secure written authorization to  
24 proceed from the NTC, and report the transaction to the NTC  
25 within sixty (60) days after its completion: *Provided, further,* That  
26 the NTC shall determine the corresponding sanction for any  
27 violation of this provision.

1        SEC. 4. *Responsibility to the Public.* – The grantee shall  
2 provide, free of charge, adequate public service time which is  
3 reasonable and sufficient to enable the government, through the  
4 broadcasting stations or facilities of the grantee, to reach the  
5 pertinent populations or portions thereof, on important public issues  
6 and relay important public announcements and warnings  
7 concerning public emergencies and calamities, as necessity, urgency  
8 or law may require; provide at all times sound and balanced  
9 programming; promote public participation; assist in the functions  
10 of public information and education; conform to the ethics of honest  
11 enterprise; promote audience sensibility and empowerment  
12 including closed captioning; and not use its stations or facilities for  
13 the broadcasting of obscene or indecent language, speech, act or  
14 scene; or for the dissemination of deliberately false information or  
15 willful misrepresentation, to the detriment of public interest; or to  
16 incite, encourage, or assist in subversive or treasonable acts.

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



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

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

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

20       SEC. 7. *Renewal or Extension of Franchise.* – The grantee  
21       shall apply for the renewal or extension of its franchise five (5)  
22       years before its expiration, reckoned from fifteen (15) days after the  
23       publication of the franchise in the *Official Gazette* or in a newspaper  
24       of general circulation.

25       SEC. 8. *Self-regulation by and Undertaking of Grantee.* – The  
26       grantee shall not require any previous censorship of any speech,  
27       play, act or scene, or other matter to be broadcast from its stations,

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

11 SEC. 9. *Warranty in Favor of the National and Local*  
12 *Governments.* – The grantee shall hold the national, provincial,  
13 city, and municipal governments of the Philippines free from all  
14 claims, liabilities, demands, or actions arising out of accidents,  
15 causing injury to persons or damage to properties, during the  
16 construction or operation of the stations of the grantee.

17 SEC. 10. *Commitment to Provide and Promote the Creation of*  
18 *Employment Opportunities.* – The grantee shall create employment  
19 opportunities and shall allow on-the-job trainings in their  
20 franchise operation: *Provided*, That priority shall be accorded to  
21 the residents of the place where their principal office is located:  
22 *Provided, further*, That the grantee shall follow the applicable  
23 labor standards and allowance entitlement under existing labor  
24 laws, rules and regulations and similar issuances: *Provided, finally*,  
25 That the employment opportunities or jobs created shall be  
26 reflected in the General Information Sheet (GIS) to be submitted  
27 to the Securities and Exchange Commission (SEC) annually.



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

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

1 and corporations operating public utilities as allowed by law.  
2 Noncompliance therewith shall render the franchise *ipso facto*  
3 revoked.

4 SEC. 13. *Reportorial Requirement.* - The grantee shall  
5 submit an annual report to the Congress of the Philippines,  
6 through the Committee on Legislative Franchises of the House  
7 of Representatives and the Committee on Public Services of  
8 the Senate, on its compliance with the terms and conditions of  
9 the franchise and on its operations on or before April 30 of  
10 every year during the term of its franchise.

11 The annual report shall include an update on the roll-out,  
12 development, operation and/or expansion of business; audited  
13 financial statements; latest GIS officially submitted to the SEC, if  
14 applicable; certification of the NTC on the status of its permits and  
15 operations; and an update on the dispersal of ownership  
16 undertaking, if applicable.

17 The reportorial compliance certificate issued by Congress  
18 shall be required before any application for permit or certificate is  
19 accepted by the NTC.

20 SEC. 14. *Fine.* - Failure of the grantee to submit the  
21 requisite annual report to Congress shall be penalized by a fine of  
22 Five hundred pesos (P500.00) per working day of noncompliance.  
23 The fine shall be collected by the NTC from the delinquent franchise  
24 grantee separate from the reportorial penalties imposed by the NTC  
25 and the same shall be remitted to the Bureau of the Treasury.

26



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

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

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

18        SEC. 18. *Repealing Clause.* – All laws, decrees, orders,  
19 resolutions, instructions, rules and regulations, and other issuances  
20 or parts thereof which are inconsistent with the provisions of  
21 this Act are hereby repealed, amended, or modified accordingly.

22        SEC. 19. *Effectivity.* – This Act shall take effect fifteen (15)  
23 days after its publication in the *Official Gazette* or in a newspaper of  
24 general circulation.

Approved,