

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )

SENATE

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COMMITTEE REPORT NO. 124

Submitted by the Committee on Public Services on SEP 29 2020

Re: House Bill No. 7264

Recommending the approval of House Bill No. 7264 without amendments.

Sponsor: Senator Grace Poe

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**MR. PRESIDENT:**

The Committee on Public Services, to which was referred **House Bill No. 7264**, introduced by Representatives Aumentado, Chatto, and Alvarez (F.), entitled:

**"AN ACT**

**RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO NEGROS BROADCASTING AND PUBLISHING CORPORATION, UNDER REPUBLIC ACT NO. 8161, ENTITLED 'AN ACT GRANTING THE NEGROS BROADCASTING AND PUBLISHING CORPORATION A FRANCHISE TO ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE VISAYAS AND MINDANAO'"**

has considered the same and has the honor to report it back to the Senate with the recommendation that it be approved without amendment.

Respectfully submitted:

*Chairperson*

  
GRACE POE

*Vice Chairpersons*

  
PANFILO M. LACSON

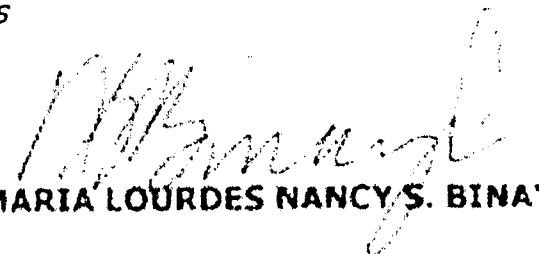
  
RAMON BONG REVILLA, JR.

  
\*will interpellate  
EMMANUEL D. PACQUIAO

WIN GATCHALIAN

*Members*

CHRISTOPHER "BONG" GO

  
MARIA LOURDES NANCY S. BINAY


FRANCIS "TOL" N. TOLENTINO

  
JOEL VILLANUEVA

**NEGROS BROADCASTING AND PUBLISHING CORPORATION – House Bill No.  
7264**



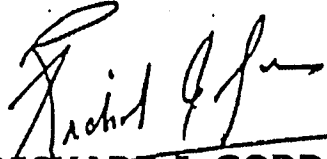
**WIN GATCHALIAN**



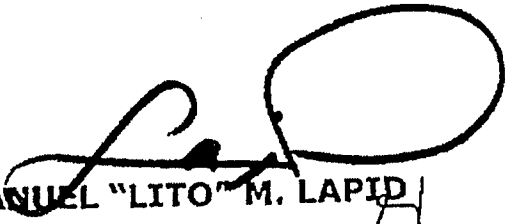
**CHRISTOPHER "BONG" GO**



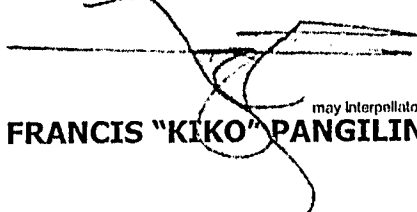
**FRANCIS "TOL" N. TOLENTINO**



**RICHARD J. GORDON**



**MANUEL "LITO" M. LAPID**

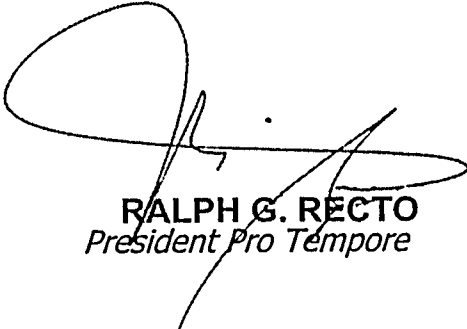


**FRANCIS "KIKO" PANGILINAN**  
may Interpellate/amend



**RISA HONTIVEROS**

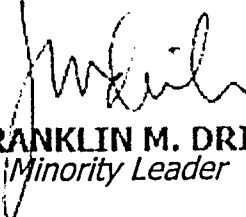
*Ex Officio Members*



**RALPH G. RECTO**  
*President Pro Tempore*



**JUAN MIGUEL F. ZUBIRI**  
*Majority Leader*



**FRANKLIN M. DRILON**  
*Minority Leader*

**VICENTE C. SOTTO III**  
*Senate President*

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
Second Regular Session

HOUSE BILL NO. 7264  
(In substitution of House Bill No. 4924)

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Introduced by Reps. Erico Aristotle C. Aumentado, Edgar M. Chatto and Franz E. Alvarez

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**AN ACT**

**RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO NEGROS BROADCASTING AND PUBLISHING CORPORATION, UNDER REPUBLIC ACT NO. 8161, ENTITLED "AN ACT GRANTING THE NEGROS BROADCASTING AND PUBLISHING CORPORATION A FRANCHISE TO ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE VISAYAS AND MINDANAO"**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

**SECTION 1. *Nature and Scope of Franchise.*** – Subject to the provisions of the Constitution and applicable laws, rules and regulations, the franchise granted under Republic Act No. 8161 to Negros Broadcasting and Publishing Corporation, hereunder referred to as the grantee, its successor or assignees, to construct, install, operate, and maintain for commercial purposes and in the public interest, radio and/or television broadcasting and cable television stations where frequencies and/or channels are still available for radio and/or television broadcasting, including digital television system, through microwave, satellite or whatever means, as well as the use of any new technology in television and radio systems, with the corresponding technological auxiliaries and facilities, special broadcast and other program and distribution services and relay stations in the Visayas and Mindanao is hereby renewed for another twenty-five (25) years.

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

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

1  
2 In case of any violation of the provisions of this franchise, the NTC shall have the authority to  
3 revoke or suspend, after due process, the permits or licenses it issued pursuant to the franchise. The  
4 NTC may recommend to Congress the revocation of the franchise for any violation of the provisions  
5 of this franchise.  
6

7 **SEC. 4. Responsibility to the Public.** – The grantee shall strictly comply with the provisions of  
8 the Constitution, statutes, rules and regulations, including labor laws and standards. The grantee shall  
9 provide, free of charge, adequate public service time which is reasonable and sufficient to enable the  
10 government, through the broadcasting stations or facilities of the grantee, to reach the pertinent  
11 populations or portions thereof, on important public issues and relay important public  
12 announcements and warnings concerning public emergencies and calamities, as necessity, urgency or  
13 law may require; provide at all times sound and balanced programming; promote public participation;  
14 assist in the functions of public information and education; conform to the ethics of honest enterprise;  
15 promote audience sensibility and empowerment including closed captioning; and not use its stations  
16 or facilities for the broadcasting of obscene or indecent language, speech, act or scene, the  
17 dissemination of deliberately false information or willful misrepresentation, to the detriment of public  
18 interest, or to incite, encourage, or assist in subversive or treasonable acts.  
19

20 Public service time referred to herein shall be equivalent to a maximum aggregate of ten  
21 percent (10%) of paid commercials or advertisements which shall be allocated based on need to the  
22 Executive and Legislative branches, the Judiciary, Constitutional Commissions, and international  
23 humanitarian organizations duly recognized by statutes: *Provided*, That the NTC shall increase the  
24 public service time in case of extreme emergency or calamity. The NTC shall issue rules and regulations  
25 for this purpose, the effectivity of which shall commence upon applicability with other similarly  
26 situated broadcast network franchise holders.  
27

28 Pursuant to Republic Act No. 8370, otherwise known as the "Children's Television Act of  
29 1997", the grantee shall allot a minimum of fifteen percent (15%) of the daily total air time of each  
30 broadcasting network or station to child-friendly shows within its regular programming.  
31  
32

33 **SEC. 5. Right of the Government.** – The radio spectrum is a finite resource that is part of the  
34 national patrimony, and the use thereof is a privilege conferred upon the grantee by the State that  
35 may be withdrawn any time after due process.  
36

37 A special right is hereby reserved to the President of the Philippines, in times of war, rebellion,  
38 public peril, calamity, emergency, disaster, or disturbance of peace and order, to temporarily take over  
39 and operate the stations or facilities of the grantee; to temporarily suspend the operation of any  
40 station or facility in the interest of public safety, security and public welfare; or to authorize the  
41 temporary use and operation thereof by any agency of the government, upon due compensation to  
42 the grantee, for the use of said stations or facilities during the period when these shall be so operated.  
43

44 **SEC. 6. Term of Franchise.** – This franchise shall be in effect for a period of twenty-five (25)  
45 years from the effectivity of this Act, unless sooner revoked or cancelled. This franchise shall be  
46 deemed *ipso facto* revoked in the event the grantee fails to operate continuously for two (2) years.  
47  
48

49 **SEC. 7. Self-regulation by and Undertaking of Grantee.** – The grantee shall not require any  
50 previous censorship of any speech, play, act or scene, or other matter to be broadcast from its stations,  
51 but if any such speech, play, act or scene, or other matter should constitute a violation of the law or  
52 infringement of a private right, the grantee shall be free from any liability, civil or criminal, for such  
53 speech, play, act or scene, or other matter: *Provided*, That the grantee, during any broadcast, shall cut  
54 off the airing of speech, play, act or scene, or other matter being broadcast if the tendency thereof is  
55 to propose and/or incite treason, rebellion or sedition; or the language used therein or the theme  
56 thereof is indecent or immoral.  
57

1 The grantee shall guarantee that news and events are reported accurately and truthfully, and  
2 that all parties involved in such news or events are allowed equal time and opportunity for  
3 information-sharing.

4  
5 The grantee shall ensure that all its programs, talents, and the languages used by its talents  
6 are geared towards the promotion of positive Filipino values.

7  
8 The grantee shall likewise ensure that the rate for election advertisement is reasonable and  
9 equitable to allow all candidates, particularly those seeking national elective positions, equal  
10 opportunity to present programs of government to the electorate, subject to the implementing  
11 guidelines, rules and regulations issued by the Commission on Elections.

12  
13 Willful failure to comply with the self-regulation by and undertaking of the grantee as provided  
14 for in this Section shall constitute a valid cause for the cancellation of this franchise.

15  
16 **SEC. 8. Warranty In Favor of the National and Local Governments.** – The grantee shall hold  
17 the national, provincial, city, and municipal governments of the Philippines free from all claims,  
18 liabilities, demands, or actions arising out of accidents causing injury to persons or damage to  
19 properties, during the construction or operation of the stations of the grantee.

20  
21 **SEC. 9. Commitment to Provide and Promote the Creation of Employment Opportunities.** –  
22 The grantee shall create employment opportunities as well as accept on-the-job trainees in the  
23 franchise operations: *Provided*, That the priority shall be accorded to the residents of the place where  
24 the principal office of the grantee is located: *Provided, further*, That the grantee shall ensure that at  
25 least sixty percent (60%) of its employees are regular employees and in no case shall the percentage  
26 of contractual employees, job orders, casuals, talents and independent contractors combined, exceed  
27 forty percent (40%) of its total workforce: *Provided, finally*, That the grantee shall comply with the  
28 applicable labor standards and allowance entitlement under existing labor laws, rules and regulations  
29 and similar issuances.

30  
31 The employment opportunities or jobs created shall be reflected in the General Information  
32 Sheet (GIS) to be submitted to the Securities and Exchange Commission (SEC) annually. In addition,  
33 the grantee shall include in its annual report to Congress the number of its regularized employees and  
34 secure a compliance and clearance certificate from the Department of Labor and Employment and its  
35 relevant attached agencies.

36  
37 **SEC. 10. Sale, Lease, Transfer, Grant of Usufruct, or Assignment of Franchise.** – The grantee  
38 shall not sell, lease, transfer, grant the usufruct of, nor assign this franchise or the rights and privileges  
39 acquired thereunder to any person, firm, company, corporation or other commercial or legal entity,  
40 nor merge with any other corporation or entity, nor the controlling interest of the grantee be  
41 transferred, simultaneously or contemporaneously, to any person, firm, company, corporation, or  
42 entity without the prior approval of the Congress of the Philippines. Congress shall be informed of any  
43 sale, lease, transfer, grant of usufruct, or assignment of franchise or the rights and privileges acquired  
44 thereunder, or of the merger or transfer of the controlling interest of the grantee, within sixty (60)  
45 days after the completion of the said transaction. Failure to report to Congress such change of  
46 ownership shall render the franchise *ipso facto* revoked. Any person or entity to which this franchise  
47 is sold, transferred, or assigned shall be subject to the same conditions, terms, restrictions, and  
48 limitations of this Act.

49  
50 **SEC. 11. Dispersal of Ownership.** – In accordance with the constitutional provision to  
51 encourage public participation in public utilities, the grantee shall offer to Filipino citizens at least  
52 thirty percent (30%) of its common stocks, or a higher percentage that may hereafter be provided by  
53 law, in any securities exchange in the Philippines within five (5) years from the effectivity of this Act.



1 *Provided*, That in cases where public offer of shares is not applicable, other methods of encouraging  
2 public participation by citizens and corporations operating public utilities must be implemented.  
3 Noncompliance thereof shall render the franchise ipso facto revoked.  
4

5 **SEC. 12. Reportorial Requirement.** – The grantee shall submit an annual report on its  
6 compliance with the terms and conditions of the franchise and on its operations to the Congress of  
7 the Philippines, through the Committee on Legislative Franchises of the House of Representatives and  
8 the Committee on Public Services of the Senate, on or before April 30 of every year during the term of  
9 its franchise.  
10

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

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

19 **SEC. 13. Fine.** – Failure of the grantee to submit the requisite annual report to Congress shall  
20 be penalized by a fine of five hundred pesos (P500.00) per working day of noncompliance. The fine  
21 shall be collected by the NTC from the delinquent franchise grantee separate from the reportorial  
22 penalties imposed by the NTC and the same shall be remitted to the Bureau of the Treasury.  
23

24 **SEC. 14. Equality Clause.** – Any advantage, favor, privilege, exemption, or immunity granted  
25 under existing franchises, or which may hereafter be granted for radio and/or television broadcasting,  
26 upon prior review and approval of Congress, shall become part of this franchise and shall be accorded  
27 immediately and unconditionally to the herein grantee: *Provided*, That the foregoing shall neither  
28 apply to nor affect the provisions of broadcasting franchises concerning territorial coverage, the term,  
29 or the type of service authorized by the franchise.  
30

31 **SEC. 15. Repealability and Nonexclusivity Clause.** – This franchise shall be subject to  
32 amendment, alteration, or repeal by the Congress of the Philippines when the public interest so  
33 requires and shall not be interpreted as an exclusive grant of the privileges herein provided for.  
34

35 **SEC. 16. Separability Clause.** – If any of the sections or provisions of this Act is held invalid, all  
36 other provisions not affected thereby shall remain valid.  
37

38 **SEC. 17. Repealing Clause.** – All laws, decrees, orders, resolutions, instructions, rules and  
39 regulations, and other issuances or parts thereof which are inconsistent with the provisions of this Act  
40 are hereby repealed, amended, or modified accordingly.  
41

42 **SEC. 18. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the  
43 Official Gazette or in a newspaper of general circulation.  
44

45 Approved,