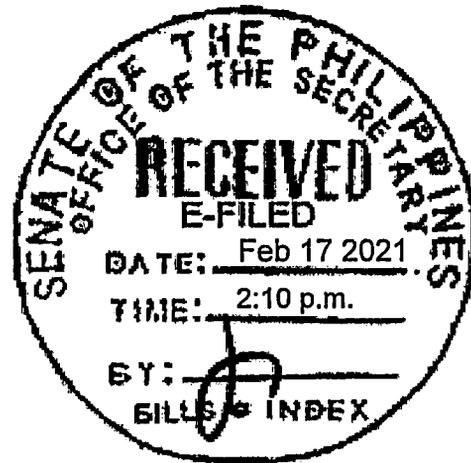


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



SENATE

S.B. No. 2059

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Introduced by Sen. Juan Miguel F. Zubiri

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**AN ACT**  
**GRANTING THE HIGHLAND BROADCASTING NETWORK CORP. A**  
**FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND**  
**MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN**  
**MINDANAO**

**EXPLANATORY NOTE**

Broadcast radio and television remain the main avenues of news, information, and entertainment for millions of Filipino people, especially for households with limited spending capacity for cable and internet access, and for areas that are yet to enjoy affordable, accessible, and stable internet connectivity. According to the National Commission for Culture and the Arts, radio reaches around 85 percent of the Filipino population.

Mindanao is an especially potent ground for radio and television broadcasting, with many municipalities having extremely limited internet connectivity.

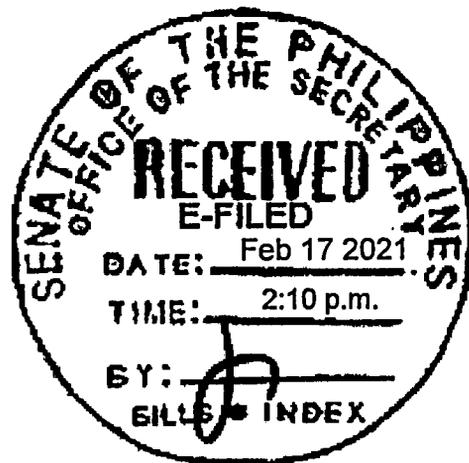
Overall, Mindanao-based radio and broadcasting stations serve a population of over 25 million Mindanawons, from first-class highly urbanized centers to sixth-class municipalities, providing a variety of programs that cover news, public affairs, arts and culture, and faith and worship.

Highland Broadcasting Network Corp. will serve the whole of Mindanao, delivering programming that corresponds to the concerns and interests of Mindanawons—through a much closer lens than larger broadcasting stations are capable of doing, but also having a wider scope than specialized community radios are able to cover.

In view of the foregoing, approval of this bill is urgently sought.

  
**JUAN MIGUEL F. ZUBIRI**

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*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 provisions of  
2 the Constitution and applicable laws, rules and regulations, there is hereby granted to  
3 Highland Broadcasting Network Corp., hereunder referred to as the grantee, its  
4 successor or assignees, a franchise to construct, establish, operate and maintain for  
5 commercial purposes and in the public interest, radio and/or television broadcasting  
6 stations in Mindanao, where frequencies and/or channels are still available for radio  
7 and/or television broadcasting, including digital television system, through microwave,  
8 satellite or whatever means as well as the use of any new technology in television and  
9 radio systems, with the corresponding technological auxiliaries and facilities, special  
10 broadcast and other program and distribution services and relay stations.

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

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

1 The grantee shall not dispose or lease its facilities except to entities with a radio  
2 or television broadcasting franchise: *Provided*, That the grantee shall inform and  
3 secure written authorization from the NTC to proceed with such disposal or lease, and  
4 report the transaction to the NTC within sixty (60) days after its completion: *Provided*,  
5 *further*, That the NTC shall determine the corresponding sanction for any violation of  
6 this provision.

7 The NTC shall have the authority to revoke or suspend, after due process, the  
8 permits or licenses of the grantee for any violation of the provisions of the franchise,  
9 and may recommend to Congress the revocation of the franchise for any violation of  
10 the provisions thereof.

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

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

32 Pursuant to Republic Act No. 8370, otherwise known as the “Children’s  
33 Television Act of 1997”, the grantee shall allot a minimum of fifteen percent (15%) of  
34 the daily total air time of each broadcasting network to child-friendly shows within its  
35 regular programming.

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

39 A special right is hereby reserved to the President of the Philippines, in times  
40 of war, rebellion, public peril, calamity, emergency, disaster, or disturbance of peace  
41 and order, to temporarily take over and operate the stations or facilities of the grantee,  
42 or to temporarily suspend the operation of any station or facility in the interest of

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

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

9 **SEC. 7. Self-regulation by and Undertaking of Grantee.** – The grantee  
10 shall not require any previous censorship of any speech, play, act or scene, or other  
11 matter to be broadcast from its stations, but if any such speech, play, act or scene, or  
12 other matter should constitute a violation of the law or infringement of a private right,  
13 the grantee shall be free from any liability, civil or criminal, for such speech, play, act  
14 or scene, or other matter: *Provided*, That the grantee, during any broadcast, shall cut  
15 off the airing of speech, play, act or scene, or other matter being broadcast if the  
16 tendency thereof is to propose or incite treason, rebellion or sedition; or the language  
17 used therein or the theme thereof is indecent or immoral: *Provided, further*, That  
18 willful failure to do so shall constitute a valid cause for the cancellation of this  
19 franchise.

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

25 **SEC. 9. Commitment to Provide and Promote the Creation of**  
26 **Employment Opportunities.** – The grantee shall create employment opportunities  
27 as well as accept on-the-job trainees in their franchise operations: *Provided*, That  
28 priority shall be accorded to the residents of the place where the principal office of  
29 the grantee is located: *Provided, further*, That the grantee shall comply with the  
30 applicable labor standards allowance entitlement under existing labor laws, rules and  
31 regulations and similar issuances: *Provided, finally*, That the employment  
32 opportunities or jobs created shall be reflected in the General Information Sheet (GIS)  
33 to be submitted to the Securities and Exchange Commission (SEC) annually.

34 **SEC. 10. Nontransferability of Franchise.** – The grantee shall not lease,  
35 transfer, grant the usufruct of, sell nor assign this franchise or the rights and privileges  
36 acquired thereunder to any person, firm, company, corporation or other commercial  
37 or legal entity, nor merge with any other corporation or entity, nor shall the controlling  
38 interest of the grantee be transferred, whether as a whole or in parts, simultaneously  
39 or contemporaneously, to any such person, firm, company, corporation, or entity  
40 without the prior approval of the Congress of the Philippines.

41 Congress shall be informed of any sale, lease, transfer, grant of usufruct, or  
42 assignment of franchise or the rights and privileges acquired thereunder, or the

1 merger or transfer of the controlling interest of the grantee within sixty (60) days after  
2 the completion of the said transaction. Failure to report to Congress such change of  
3 ownership shall render the franchise *ipso facto* revoked.

4 Any person or entity to which this franchise is sold, transferred, or assigned,  
5 shall be subject to the same conditions, terms, restrictions, and limitations of this Act.

6 **SEC. 11. *Dispersal of Ownership.*** – In accordance with the constitutional  
7 provision to encourage public participation in public utilities, the grantee shall offer to  
8 Filipino citizens at least thirty percent (30%) of its outstanding capital stock or a higher  
9 percentage that may hereafter be provided by law in any securities exchange in the  
10 Philippines within five (5) years from the effectivity of this Act: *Provided*, That in cases  
11 where the public offer or shares is not applicable, other methods of encouraging public  
12 participation by citizens and corporations operating public utilities must be  
13 implemented. Noncompliance therewith shall render the franchise *ipso facto* revoked.

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

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

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

26 **SEC. 13. *Fine.*** – Failure of the grantee to submit the requisite annual report  
27 to Congress shall be penalized by a fine of Five hundred pesos (P500.00) per working  
28 day of noncompliance. The fine shall be collected by NTC from the delinquent  
29 franchise grantee separate from the reportorial penalties imposed by the NTC and the  
30 same shall be remitted to the Bureau of Treasury.

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

38 **SEC. 15. *Repealability and Nonexclusivity Clause.*** – This franchise shall  
39 be subject to amendment, alteration, or repeal by the Congress of the Philippines

1 when the public interest so requires and shall not be interpreted as an exclusive grant  
2 of the privileges herein provided for.

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

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

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

11       *Approved,*