

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

24 JAN -8 P2 :12

RECEIVED BY _____



SENATE
P.S. RES. No. 895

Introduced by Senator Robinhood Padilla

RESOLUTION
EXPRESSING SUPPORT TO SONSHINE MEDIA NETWORK INC. AND
CONDEMNING THE NATIONAL TELECOMMUNICATIONS COMMISSION FOR
IMPLEMENTING A 30-DAY SUSPENSION AGAINST THE NETWORK
WITHOUT DUE PROCESS

1 WHEREAS, it is clearly expressed under Section 10, Article XVI of the
2 Constitution that: “[t]he State shall provide the policy environment for the full
3 development of Filipino capability and the emergence of communication structures
4 suitable to the needs and aspirations of the nation and the balanced flow of
5 information into, out of, and across the country, in accordance with a policy that
6 respects the freedom of speech and of the press”;

7 WHEREAS, a franchise is a privilege granted by the State through the
8 Legislature subject to regulation by the State itself by virtue of its police power through
9 its administrative agencies;

10 WHEREAS, the Sonshine Media Network, Inc. (SMNI) is a network under the
11 franchise ownership of Swara Sug Media Corporation (SSMC), which was first granted
12 a 25-year franchise under the Republic Act (R.A.) No. 8122 in 1995, and was renewed
13 for another 25 years in 2019 under R.A. No. 11422;

14 WHEREAS, SMNI operates through various platforms, including free TV, several
15 digital channels, and cable TV affiliates;

1 WHEREAS, the network has been instrumental in assisting the government in
2 its anti-terrorism campaign through the channel's programs that endeavor to educate
3 the Filipino people, especially the youth, against communist propaganda and
4 recruitment strategies;

5 WHEREAS, the network has also been a recipient of various awards and
6 recognition, including, but not limited to: Asia's Outstanding Media Production
7 Company Award from Pinnacle Awards, Best Preeminent Broadcasting and Media
8 Production Company from the 16th Golden Globe Annual Awards for Business and
9 Excellence, and 2023 Gold Seal Achiever Recognition from the Trusted Business
10 Awards Council;

11 WHEREAS, SMNI has been at the receiving end of strong criticisms in the past
12 weeks as the Committee on Legislative Franchises of the House of Representatives
13 summoned the network in a public hearing due to allegations of fake news peddling;

14 WHEREAS, following said committee hearing, another resolution was filed in
15 the Lower House, which urges the National Telecommunications Commission (NTC)
16 to suspend the operations of SSMC for allegedly violating the terms and conditions of
17 its franchise under R.A. No. 11422;

18 WHEREAS, SMNI, through its legal counsel, said that due process should be
19 given to the network since there were disclaimers about the views and opinions of
20 hosts. He added that using disclaimers is an 'open practice to all media establishments'
21 and that no law states that using disclaimers is illegal;

22 WHEREAS, on 19 December 2023, the NTC issued a show cause order against
23 SSMC to explain, in writing within fifteen (15) days from receipt, why it should not be
24 administratively sanctioned for allegedly violating the condition of its authorities to
25 comply with all the laws, rules, and regulations of the land;

26 WHEREAS, in addition to the show cause order, the NTC issued an order of
27 suspension against the network's operation of radio and television stations for thirty
28 (30) days citing Section 16(n) of R.A. No. 11659 otherwise known as the Public
29 Services Act as amended;

30 WHEREAS, it must be noted the general rule under Section 16(n) of R.A. No.
31 11659 indicates that the NTC has the power, among others, to "suspend or revoke
32 any certificate issued under the provisions of this Act whenever the holder thereof has

1 violated or willfully and contumaciously refused to comply with any order rule or
2 regulation of the Commission or any provision of this Act”;

3 WHEREAS, a proviso under the same section states that the NTC may suspend
4 for a period not exceeding thirty (30) days if such act is deemed by the Commission
5 as necessary ‘to avoid serious and irreparable damage or inconvenience to the public
6 or to private interests’;

7 WHEREAS, the NTC, in its show cause and suspension order, failed to indicate
8 the need to suspend the operations of the SMNI, much more express how this is
9 necessary to avoid serious and irreparable damage or inconvenience to the public or
10 to private interests;

11 WHEREAS, in the absence of proof of serious and irreparable damage or
12 inconvenience to the public or private interests that may be caused by SMNI’s
13 continued operations, the general rule shall apply wherein the NTC shall have the
14 power, upon proper notice and hearing, to issue a suspension order pursuant to the
15 Public Services Act;

16 WHEREAS, Section 5 of the Charter of SMNI itself declares that the government
17 may withdraw the privilege it granted at any time after due process;

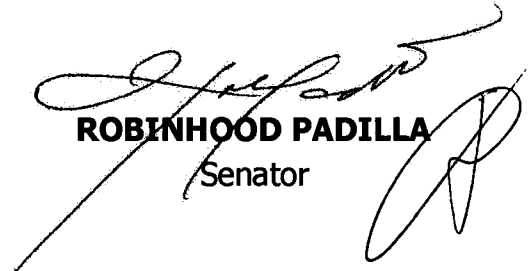
18 WHEREAS, Justice Marvic M. V. F. Leonen, in his Separate Concurring Opinion
19 in the case of ABS-CBN Corporation v. NTC (G.R. No. 252119, 25 August 2020),
20 acknowledged that: “Due process is guaranteed by the Constitution and extends to
21 administrative proceedings.”;

22 WHEREAS, the Supreme Court ruled in *Montoya v. Varilla* (G.R. No. 180146, 18
23 December 2008), that: "Though procedural rules in administrative proceedings are
24 less stringent and often applied more liberally, administrative proceedings are not
25 exempt from basic and fundamental procedural principles, such as the right to due
26 process in investigations and hearings. The right to substantive and procedural due
27 process is applicable to administrative proceedings.”;

28 WHEREAS, the baseless issuance of a 30-day suspension order is a
29 transgression of SMNI’s right to due process which will result in serious and irreparable
30 damage to it and its employees no less: Now, therefore, be it

- 1 RESOLVED BY THE SENATE, as it is hereby resolved, To express support to the
- 2 SMNI and condemn the National Telecommunications Commission for implementing a
- 3 30-day suspension against the network without due process.

Adopted,



ROBINHOOD PADILLA
Senator