


THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
Second Regular Session

6 FEB -1 P1 54

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 47

Submitted by the Committee on Public Services on 1 FEB 2006

Re : House Bill No. 2478

Recommending its approval with amendments.

Sponsor: Senator Arroyo

MR. PRESIDENT:

The Committee on Public Services, to which was referred House Bill No. 2478, introduced by Representatives Teodoro, Lapus, Aquino (B.) and Zubiri, entitled:

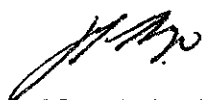
**"AN ACT
GRANTING THE RADIO MARIA FOUNDATION, INC. A FRANCHISE TO
CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN FOR
RELIGIOUS AND NON-COMMERCIAL PURPOSES RADIO BROADCASTING
STATIONS IN THE PHILIPPINES"**

has considered the same and has the honor to report it back to the Senate with the recommendation that it be approved with the following amendments:

1. On page 1, line 7, delete the phrase "and/or channels" after the word frequencies;
2. On the same page and line after the word "radio" delete the phrase "and/or television";
3. On page 2, line 1 after the preposition "in" delete the phrase "television and";
4. On the same page, line 18 after the word "radio" delete "/television";
5. On page 3, line 7 delete the comma (,) after the word "language" and in lieu thereof insert the conjunction "**OR**";


6. On the same page and line delete the phrase "act or scene,";
7. On page 4, line 4 between the words "for" and "term", insert the article "A";
8. On page 5, line 4 after the word "speech", delete the phrase ",play, act or scene";
9. On the same page, line 6 after the word "speech", delete the phrase ,play, act or scene,;
10. On page 5, line 20, replace the sub-title "Nontransferability of Franchise" with "**SALE, LEASE, TRANSFER, USUFRUCT, ETC.**"; and
11. On page 6, line 5 after the word "entity", add the following sentences "**WITHOUT THE PRIOR APPROVAL OF THE CONGRESS OF THE PHILIPPINES. ANY PERSON OR ENTITY TO WHICH THIS FRANCHISE IS SOLD, TRANSFERRED OR ASSIGNED SHALL BE SUBJECT TO THE SAME CONDITIONS, TERMS, RESTRICTIONS AND LIMITATIONS OF THIS ACT.**"

Respectfully submitted:



JOKER P. ARROYO
Chairman

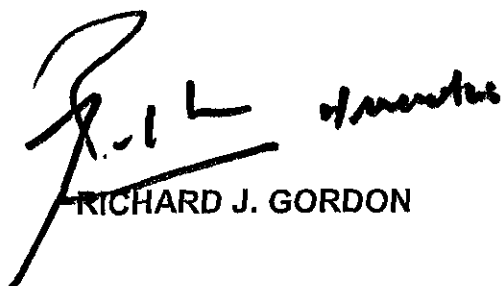
Members:



RALPH G. RECTO



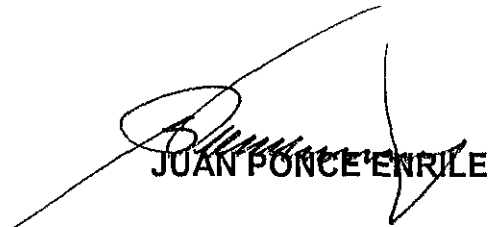
MAR ROXAS



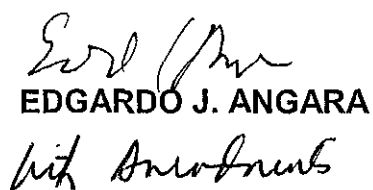
RICHARD J. GORDON

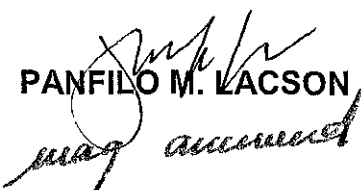


"COMPAÑERA" PIA CAYETANO


JUAN PONCE-ENRILE


MANNY VILLAR


EDGARDO J. ANGARA
with Amendments

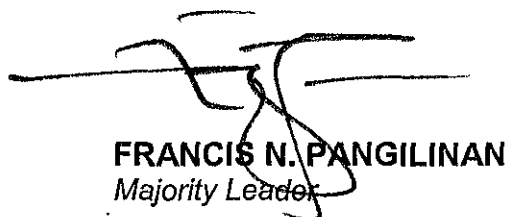

PANFILO M. LACSON
may amend

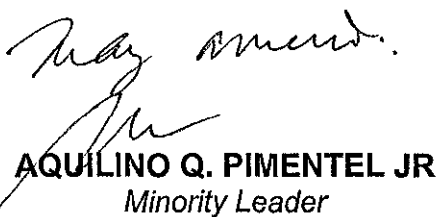

SERGIO OSMEÑA III


M.A. MADRIGAL

Ex-Officio Members:


JUAN M. FLAVIER
Pro-Tempore


FRANCIS N. PANGILINAN
Majority Leader


AQUILINO Q. PIMENTEL JR
Minority Leader

Hon. FRANKLIN M. DRILON
*President
Senate of the Philippines
Pasay City*



HOUSE OF REPRESENTATIVES

H. No. 2478

BY REPRESENTATIVES TEODORO, LAPUS, AQUINO (B.) AND ZUBIRI

AN ACT GRANTING THE RADIO MARIA FOUNDATION, INC. A
FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE
AND MAINTAIN FOR RELIGIOUS AND NON-COMMERCIAL
PURPOSES RADIO 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 regulations, there
3 is hereby granted to Radio Maria Foundation, Inc., hereunder referred to as the
4 grantee, its successors or assigns, a franchise to construct, install, establish,
5 operate and maintain for religious and non-commercial purposes and in the
6 public interest, radio broadcasting stations in the Philippines, where
7 frequencies and/or channels are still available for radio and/or television
8 broadcasting, through microwave, satellite or whatever means, including the

1 use of any new technologies in television and radio systems, with the
2 corresponding technological auxiliaries and facilities, special broadcast and
3 other program and distribution services and relay stations

4 SEC. 2. *Manner of Operation of Stations or Facilities.* – The stations
5 or facilities of the grantee shall be constructed and operated in a manner as
6 will, at most, result only in the minimum interference on the wavelengths or
7 frequencies of existing stations or other stations which may be established by
8 law, without in any way diminishing its own right to use its selected
9 wavelengths or frequencies and the quality of transmission or reception
10 thereon as should maximize rendition of the grantee's services and/or
11 availability thereof. In no way shall the operations of the grantee, nor the
12 radiated power of its stations or facilities, exceed that required to cover the
13 area where it is allowed to operate.

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 and licenses
17 for the construction and operation of its stations and facilities and shall not use
18 any frequency in the radio/television spectrum without having been authorized
19 by the Commission. The Commission, however, shall not unreasonably
20 withhold or delay the grant of any such authority.

1 SEC. 4. *Responsibility to the Public.* – The grantee shall provide
2 adequate public service time to enable the government, through the said
3 broadcasting stations or facilities, to reach the population on important public
4 issues; provide at all times sound and balanced programming; assist in the
5 functions of public information and education; conform to the ethics of honest
6 enterprise; and not use its stations and facilities for the broadcasting of
7 obscene and indecent language, speech, act or scene, or for the dissemination
8 of deliberately false information or willful misrepresentation, to the detriment
9 of the public interest, or to incite, encourage or assist in subversive or
10 treasonable acts.

11 SEC. 5. *Right of Government.* – A special right is hereby reserved to
12 the President of the Philippines, in times of war, rebellion, public peril,
13 calamity, emergency, disaster or disturbance of peace and order, to
14 temporarily take over and operate the stations or facilities of the grantee, to
15 temporarily suspend the operation of any station or facility in the interest of
16 public safety, security and public welfare, or to authorize the temporary use
17 and operation thereof by any agency of the government, upon due
18 compensation to the grantee, for the use of said stations or facilities during the
19 period when they shall be so operated.

1 The radio spectrum is a finite resource that is part of the national
2 patrimony and the use thereof is a privilege conferred upon the grantee by the
3 State and may be withdrawn anytime after due process.

4 SEC. 6 *Term of Franchise.* – This franchise shall be for term of
5 twenty-five (25) years from the date of effectivity of this Act, unless sooner
6 revoked or cancelled. This franchise shall be deemed *ipso facto* revoked in
7 the event the grantee fails to comply with any of the following conditions:

8 (a) Commence operations within one year from the approval of its
9 operating permit or provisional authority by the NTC;

10 (b) Operate continuously for two years; and

11 (c) Commence operations within three years from the effectivity of
12 this Act.

13 SEC. 7. *Acceptance and Compliance.* – Acceptance of this franchise
14 shall be given in writing within sixty (60) days from the effectivity of this Act.
15 Upon giving such acceptance, the grantee shall exercise the privileges granted
16 under this Act. Nonacceptance shall render the franchise void.

17 SEC. 8. *Bond.* – The grantee shall file a bond issued in favor of the
18 NTC, which shall determine the amount, to guarantee the compliance with and
19 fulfillment of the conditions under which this franchise is granted. If after
20 three years from the date of the approval of its permit by the Commission, the
21 grantee shall have fulfilled the same, the bond shall be cancelled by the

1 Commission. Otherwise, the bond shall be forfeited in favor of the
2 government and the franchise *ipso facto* revoked.

3 SEC. 9. *Self-Regulation by and Undertaking of Grantee.* – The grantee
4 shall not require any previous censorship of any speech, play, act or scene, or
5 other matter to be broadcast from its stations: *Provided.* That the grantee,
6 during any broadcast, shall cut off from the air the speech, play, act or scene,
7 or other matter being broadcast if the tendency thereof is to propose and/or
8 incite treason, rebellion or sedition; or the language used therein or the theme
9 thereof is indecent or immoral; and willful failure to do so shall constitute a
10 valid cause for the cancellation of this franchise.

11 SEC. 10. *Obligation of the Grantee.* – Any person aggrieved by any
12 remark, report, statement, commentary or the like by broadcasters using the
13 same facilities of the grantee shall have the right to reply in the same program
14 or any other program the aggrieved party may choose.

15 SEC. 11. *Warranty in Favor of National and Local Governments.* –
16 The grantee shall hold the national, provincial, city and municipal
17 governments of the Philippines free from all claims, accounts, demands or
18 actions arising out of accidents or injuries, whether to property or to persons,
19 caused by the construction or operation of the stations of the grantee.

20 SEC. 12. *Nontransferability of Franchise.* – The grantee shall not
21 lease, transfer, grant the usufruct of, sell nor assign this franchise or the rights

1 and privileges acquired thereunder to any person, firm, company, corporation
2 or other commercial or legal entity, nor merge with any other corporation or
3 entity, nor shall the controlling interest of the grantee be transferred, whether
4 as a whole or in parts and whether simultaneously or contemporaneously, to
5 any such person, firm, company, corporation or entity.

6 SEC. 13. *General Broadcast Policy Law.* – The grantee shall comply
7 with and be subject to the provisions of a general broadcast policy law, which
8 Congress may hereafter enact.

9 SEC. 14. *Reportorial Requirement.* – The grantee shall submit an
10 annual report to the Congress of the Philippines on its compliance with the
11 terms and conditions of the franchise and on its operations within sixty (60)
12 days from the end of every year.

13 SEC. 15. *Equality Clause.* – Any advantage, favor, privilege,
14 exemption, or immunity granted under existing franchises, or may hereafter
15 be granted, shall *ipso facto* become part of this franchise and shall be accorded
16 immediately and unconditionally to the herein grantee: *Provided, however,*
17 *That the foregoing shall neither apply to nor affect provisions of broadcasting*
18 *franchises concerning territory covered by the franchise, the life span of the*
19 *franchise, or the type of service authorized by the franchise.*

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

4 SEC. 17. *Repealability and Nonexclusivity Clause.* – This franchise
5 shall be subject to amendment, alteration or repeal by the Congress of the
6 Philippines when the public interest so requires and shall not be interpreted as
7 an exclusive grant of the privileges herein provided for.

8 SEC. 18. *Effectivity Clause.* – This Act shall take effect fifteen (15)
9 days from the date of its publication, upon the initiative of the grantee, in at
10 least two newspapers of general circulation in the Philippines.

Approved,