COMMITTEE REPORT NO. 846

Submitted by the Committee on Legislative Franchises on MAR 1 0 2021.

Re: House Bill No. 8973

 Recommending its approval in substitution of House Bill No. 8515

Sponsors: Representatives Franz E. Alvarez and Alfredo A. Garbin, Jr.

Mr. Speaker:

The Committee on Legislative Franchises to which was referred House Bill No. 8515, authored by Rep. Alfredo A. Garbin, Jr. entitled:

"AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO NATION BROADCASTING CORPORATION UNDER REPUBLIC ACT NO. 8623, ENTITLED 'AN ACT GRANTING THE NATION BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES"

has considered the same and recommends that the attached House Bill No. 8973 entitled:

"AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO NATION BROADCASTING CORPORATION OF THE PHILIPPINES UNDER REPUBLIC ACT NO. 8623, ENTITLED 'AN ACT GRANTING THE NATION BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES"

be approved in substitution of House Bill No. 8515 with Reps. Alfredo Garbin, Jr., Franz E. Alvarez, and Edward Vera Perez Maceda as authors thereof.
The Honorable Speaker
House of Representatives
Quezon City

Respectfully submitted:

FRANZ P. ALVAREZ
Chairperson
Committee on Legislative Franchises
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8973
(In substitution of House Bill No. 8515)

Introduced by REPS. ALFREDO A. GARBIN, JR., FRANZ E. ALVAREZ, and EDWARD VERA PEREZ MACEDA

AN ACT
RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO
NATION BROADCASTING CORPORATION OF THE PHILIPPINES UNDER REPUBLIC
ACT NO. 8623, ENTITLED "AN ACT GRANTING THE NATION BROADCASTING
CORPORATION A FRANCHISE 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:

SECTION 1. Nature and Scope of Franchise. – Subject to the provisions of
the Constitution and applicable laws, rules and regulations, the franchise granted to
Nation Broadcasting Corporation of the Philippines, hereunder referred to as the
grantee, its successor or assignees, under Republic Act No. 8623, to construct, install,
establish, operate, and maintain for commercial purposes and in the public interest,
radio and television broadcasting stations in the Philippines, where frequencies and
channels are still available for radio and television broadcasting, including digital
selevision system, through microwave, satellite or whatever means, as well as the use
of any new technology in radio and television systems, with the corresponding
ological auxiliaries and facilities, special broadcast and other program and
distribution services and relay stations, 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 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 spectrum without authorization
from the NTC. The NTC, however, shall not unreasonably withhold or delay the grant
of any such authority.

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

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

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

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

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

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

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

SEC. 7. Renewal or Extension of Franchise. – The grantee shall apply for the
renewal or extension of its franchise three (3) years before its expiration which shall
be reckoned from fifteen (15) days after the publication of the franchise in the Official
Gazette or in a newspaper of general circulation.

SEC. 8. Self-regulation by and Undertaking of Grantee.—The grantee shall
not require any previous censorship of any speech, play, act, or scene, or other matter
to be broadcast from its stations, but if any such speech, play, act, or scene, or other
matter should constitute a violation of the law or infringement of a private right, the
grantee shall be free from any liability, civil or criminal, for such speech, play, act, or
scene, or other matter: Provided, That the grantee, during any broadcast, shall cut off
the airing of speech, play, act or scene, or other matter being broadcast if the tendency
thereof is to propose or incite treason, rebellion, or sedition; or the language used
therein or the theme thereof is indecent or immoral: Provided, further, That willful
failure to do so shall constitute a valid cause for the cancellation of this franchise.

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

SEC. 10. Commitment to Provide and Promote the Creation of
Employment Opportunities. – The grantee shall create employment opportunities
and accept on-the-job trainees in the franchise operations: Provided, That priority shall
be accorded to the residents of the place where the principal office of the grantee is
located: Provided further, That the grantee shall ensure that at least sixty percent
(60%) of its employees are regular employees and in no case shall the percentage of
contractual, job order, or casual employees, talents, and independent contractors
combined, exceed forty percent (40%) of its total workforce: Provided, finally, That the
grantee shall comply with the applicable labor standards and allowance entitlement
under existing labor laws, rules and regulations and similar issuances.

The employment opportunities or jobs created shall be reflected in the General
Information Sheet (GIS) to be submitted to the Securities and Exchange Commission
(SEC) annually. In addition, the grantee shall include in its annual report to Congress
the number of trainees and workers whose employment status are made regular, and
append the appropriate certificate from the Department of Labor and Employment
attesting that it has complied with the employment requirement under this Section.

SEC. 11. Sale, Lease, Transfer, Grant of Usufruct, or Assignment of
Franchise. — The grantee shall not sell, lease, transfer, grant the usufruct of, nor
assign this franchise or the rights and privileges acquired thereunder to any person,
firm, company, corporation, or other commercial or legal entity, nor merge with any
other corporation or entity, nor shall the controlling interest of the grantee be
transferred, simultaneously or contemporaneously, to any person, firm, company,
corporation, or entity without the prior approval of Congress. The grantee shall inform
Congress, through the Office of the Speaker of the House of Representatives and
Office of the Senate President, of any sale, lease, transfer, grant of usufruct, or
assignment of franchise or the rights and privileges acquired thereunder, or of the
merger or transfer of the controlling interest of the grantee, within sixty (60) days after
the completion of the said transaction. Failure to report to Congress such change of
ownership shall render the franchise ipso facto revoked. 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.

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

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

The annual report shall include an update on the commencement of activities,
development, operation, and expansion of business; audited financial statements;
latest GIS officially submitted to the SEC, if applicable; certification of the NTC on the
status of its permits and operations; and an update on the dispersal of ownership
undertaking, if applicable.

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

SEC. 14. Fine. — Failure of the grantee to submit the requisite annual report to
Congress shall be penalized by a fine of Five hundred pesos (P500.00) per working
day of noncompliance to the NTC. The fine shall be collected separately from the
reportorial penalties imposed by the NTC, and it shall be remitted to the Bureau of the
Treasury.

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

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

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

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

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

Approved,
FACT SHEET

House Bill No. 8973
In substitution of House Bill No. 8515
(As approved on ____________)

AN ACT
RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO
NATION BROADCASTING CORPORATION OF THE PHILIPPINES UNDER REPUBLIC
ACT NO. 8623, ENTITLED ‘AN ACT GRANTING THE NATION BROADCASTING
CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE
AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE
PHILIPPINES

Introduced by: HON. ALFREDO A. GARBIN, JR.

Committee Referral: LEGISLATIVE FRANCHISES
Committee Chairperson: HON. FRANZ E. ALVAREZ

OBJECTIVE:

• To allow the Nation Broadcasting Corporation of the Philippines (NBCP) to
  continue its effective public service through commercial radio and television
  broadcasting in the Philippines.

KEY PROVISIONS:

• Renews the radio and television franchise granted to NBCP for another twenty-
  five (25) years;

• Mandates the grantee to secure the appropriate permits and licenses for the
  construction, installation and operation of its radio stations or facilities from the
  NTC;

• Requires the grantee to provide an adequate public service time equivalent to
  a maximum aggregate of ten percent (10%) of the paid advertisements, to
  enable it to inform the population on important public issues and assist in the
  performance of the functions of public information and education;

• Requires the grantee to allot a minimum of fifteen percent (15%) of the daily
  total air time of each broadcasting network or station to child-friendly shows
  within its regular programming;

• Prohibits the grantee to use its stations for the broadcasting of obscene and
  indecent language, speech, act or scene of for the dissemination of deliberately
  false information or willful misrepresentation, or to incite, encourage, or assist
  in subversive or treasonable acts;
• Reserves the right of the President of the Philippines to temporarily take over and operate the stations or facilities of the grantee, to temporarily suspend the operation of any station or facility in the interest of public safety, security and public welfare, or to authorize the temporary use and operation thereof by any agency of the government in times of war, rebellion, public peril, calamity, emergency, disaster or disturbance of peace and order;

• Mandates the grantee to apply for the renewal or extension of its franchise three (3) years before its expiration which shall be reckoned from fifteen (15) days after the publication of the franchise in the Official Gazette or in a newspaper of general circulation.

• Provides that the national and local governments shall not be held liable for any damage to properties or injury to persons caused by accidents during construction or operation of the stations;

• Requires the grantee to create employment opportunities and allow on-the-job trainings in their franchise operation for residents of the place where any of its offices is located subject to applicable labor standards and allowance entitlement under existing labor laws, rules and regulations, and similar issuances; and to report to Congress the number of trainees and workers whose employment status are made regular and append the appropriate certificate from the Department of Labor and its relevant attached agencies;

• Prohibits the grantee from leasing, transferring, selling nor assigning the franchise or the controlling interest thereof without the prior approval of Congress;

• Requires the grantee to submit an annual report to Congress on its compliance with the terms and conditions of the franchise and its operation on or before April 30 of every year;

• Imposes a fine in the amount of Five hundred pesos (P500.00) per working day of noncompliance in the submission of its annual report to Congress; and

• Provides an equality clause which aims to grant existing and potential franchise grantees equal privilege.

RELATED LAWS:

• Republic Act No. 8623 - AN ACT GRANTING THE NATION BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES

• Republic Act No. 8370 – CHILDREN’S TELEVISION ACT OF 1997

• Article 280 of PD No. 442 – Provision for regular and casual employment.

• Section 18, Article II and Section 3, Article XIII of the 1987 Constitution – Protection to labor and collective bargaining.