



HOUSE OF REPRESENTATIVES

H. No. 6204

BY REPRESENTATIVES ESCUDERO AND BIRON, PER COMMITTEE REPORT
No. 1925

AN ACT GRANTING THE AEMILIANUM COLLEGE, INC. A
FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH,
OPERATE AND MAINTAIN RADIO AND TELEVISION
BROADCASTING STATIONS IN SORSOGON

*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
2 of the Constitution and applicable laws, rules and regulations, there is hereby
3 granted to Aemilianum College, Inc., hereunder referred to as the grantee, its
4 successors or assigns, a franchise to construct, install, establish, operate and
5 maintain for educational and noncommercial purposes and in the public
6 interest, radio and/or television broadcasting stations in Sorsogon, where
7 frequencies and/or channels are still available for radio and/or television
8 broadcasting, through microwave, satellite or whatever means, including the
9 use of any new technologies in television and radio systems, with the
10 corresponding technological auxiliaries and facilities, special broadcast and
11 other program and distribution services and relay stations.

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

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

16 SEC. 4. *Responsibility to the Public.* – The grantee shall provide
17 adequate public service time to enable the government, through the said
18 broadcasting stations or facilities, to reach the population on important public
19 issues; provide at all times sound and balanced programming; assist in the
20 functions of public information and education; conform to the ethics of honest
21 enterprise; and not use its stations and facilities for the broadcasting of obscene
22 and indecent language, speech, act or scene; or for the dissemination of
23 deliberately false information or willful misrepresentation, to the detriment of
24 the public interest, or to incite, encourage or assist in subversive or treasonable
25 acts.

26 SEC. 5. *Right of Government.* – A special right is hereby reserved to the
27 President of the Philippines, in times of war, rebellion, public peril, calamity,
28 emergency, disaster or disturbance of peace and order, to temporarily take over
29 and operate the stations or facilities of the grantee, to temporarily suspend the

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

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

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

12 (a) Commence operations within one (1) year from the approval of its
13 operating permit by the NTC;

14 (b) Operate continuously for two (2) years; and

15 (c) Commence operations within three (3) years from the effectivity of
16 this Act.

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

21 *SEC. 8. Bond.* – The grantee shall file a bond issued in favor of the
22 NTC, which shall determine the amount, to guarantee the compliance with and
23 fulfillment of the conditions under which this franchise is granted. If after
24 three (3) years from the date of the approval of its permit by the Commission,
25 the grantee shall have fulfilled the same, the bond shall be cancelled by the
26 Commission. Otherwise, the bond shall be forfeited in favor of the government
27 and the franchise *ipso facto* revoked.

28 *SEC. 9. Self-Regulation by and Undertaking of Grantee.* – The grantee
29 shall not require any previous censorship of any speech, play, act or scene, or

1 other matter to be broadcast from its stations: *Provided*, That the grantee,
2 during any broadcast, shall cut off from the air the speech, play, act or scene,
3 or other matter being broadcast if the tendency thereof is to propose and/or
4 incite treason, rebellion or sedition; or the language used therein or the theme
5 thereof is indecent or immoral; and willful failure to do so shall constitute a
6 valid cause for the cancellation of this franchise.

7 SEC. 10. *Warranty in Favor of National and Local Governments.* – The
8 grantee shall hold the national, provincial, city and municipal governments of
9 the Philippines harmless from all claims, accounts, demands or actions arising
10 out of accidents or injuries, whether to property or to persons, caused by the
11 construction or operation of the stations of the grantee.

12 SEC. 11. *Nontransferability of Franchise.* – The grantee shall not lease,
13 transfer, grant the usufruct of, sell nor assign this franchise or the rights and
14 privileges acquired thereunder to any person, firm, company, corporation or
15 other commercial or legal entity, nor merge with any other corporation or
16 entity, nor shall the controlling interest of the grantee be transferred, whether
17 as a whole or in parts and whether simultaneously or contemporaneously, to
18 any such person, firm, company, corporation or entity without the prior
19 approval of the Congress of the Philippines. Any person or entity to which this
20 franchise is sold, transferred or assigned, shall be subject to the same
21 conditions, terms, restrictions and limitations of this Act.

22 SEC. 12. *Equality Clause.* – Any advantage, favor, privilege,
23 exemption, or immunity granted under existing franchises, or which may
24 hereafter be granted for radio and/or television broadcasting, shall *ipso facto*
25 become part of this franchise and shall be accorded immediately and
26 unconditionally to the herein grantee: *Provided, however*, That the foregoing
27 shall neither apply to nor affect provisions of broadcasting franchises
28 concerning territory covered by the franchise, the life span of the franchise or
29 the type of service authorized by the franchise.

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

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

8 SEC. 15. *Separability Clause.* – If any of the sections or provisions of
9 this Act is held invalid, all the other provisions not affected thereby shall
10 remain valid.

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

15 SEC. 17. *Effectivity Clause.* – This Act shall take effect fifteen (15)
16 days from the date of its publication, upon the initiative of the grantee, in at
17 least two (2) newspapers of general circulation in the Philippines.

Approved,

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