Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Resolution No. 1017

Introduced by REPRESENTATIVE JOY MYRA S. TAMBU NTING

A RESOLUTION
DIRECTING THE COMMITTEE ON LEGISLATIVE FRANCHISES AND THE COMMITTEE ON GOOD GOVERNMENT AND PUBLIC ACCOUNTABILITY TO CITE THE NATIONAL TELECOMMUNICATIONS COMMISSION IN CONTEMPT OF CONGRESS

WHEREAS, in February 2020, Honorable Chairman Franz Alvarez, Chairperson of the Committee on Legislative Franchises, wrote a letter, concurred in by Honorable Speaker Alan Peter Cayetano, enjoining the National Telecommunications Commission to grant provisional authorities to ABS-CBN and its subsidiaries as the corresponding franchise application is being deliberated in the House of Representatives;

WHEREAS, in March 2020, during a hearing of the Committee on Legislative Franchises, the representative of NTC stated under oath the Commission will continue to allow ABS-CBN to operate beyond the date their franchise was set to expire as has been the practice with other similarly situated corporations;

WHEREAS, on May 5, 2020, in spite of the commitment which NTC made under oath, the NTC issued a cease and desist order against ABS-CBN for the latter to immediately close its broadcasting operations and radio station operations;

WHEREAS, on June 30, 2020, the NTC once again violated the commitment which it made under oath before Congress by issuing 2 cease-and-desist orders stopping ABS-CBN’s digital broadcast on TV Plus in Metro Manila and SKY’s satellite broadcast nationwide.

WHEREAS, ABS-CBN and its subsidiaries were not afforded notice and hearing before the said cease-and-desist orders (CDOs) were issued, violating their right to due process.

WHEREAS, the NTC’s issuance of its CDOs is one-of-a-kind as the Commission would usually allow the station to operate while Congress is deliberating the proposed franchise. In fact, the following entities, among other entities, enjoyed this benefit:

- Smart Communications - Franchise lapsed on March 2017, new franchise was approved in April 2017
Globe Innove - Franchise expired in April 10, 2017, new franchise was approved Dec. 14, 2018

Philippine Telegraph and Telephone Corp (PT&T) - Franchise expired in 2015, while the renewal bill lapsed into law in 2016

Catholic Bishops' Conference of the Philippines - Franchise expired in 2017 but its new franchise was approved 2 years after in 2019

Subic Broadcasting Corp - The franchise expired in 2017 while the renewal was approved in 2018

Radio Marine Network Inc - Franchise validity lasted until 2018 while its new franchise was approved in 2019

WHEREAS, the NTC violated ABS-CBN's right to equal protection under the law and violated equity when the Commission did not afford to ABS-CBN the same treatment it afforded to similarly situated entities;

WHEREAS, the NTC's actions are an affront and insult to Congress which has the exclusive jurisdiction to decide on the fate of franchise applicants;

WHEREAS, the officers of the NTC may even be held criminally liable for perjury for not fulfilling a simple commitment it made to Congress under oath;

WHEREAS, the House of Representatives must take action to ensure government agencies, such as the NTC, remain accountable to the House of Representatives being the House of the People;

WHEREAS, in Balag v. Senate of the Philippines ¹, the Supreme Court, citing both Philippine and US jurisprudence, upheld the power of Congress to cite persons in contempt;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, THAT THE COMMITTEE ON LEGISLATIVE FRANCHISES AND THE HOUSE COMMITTEE ON GOOD GOVERNMENT AND PUBLIC ACCOUNTABILITY ARE DIRECTED TO CITE THE NATIONAL TELECOMMUNICATIONS COMMISSION IN CONTEMPT OF CONGRESS.

Adopted,

[Signature]

REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

¹ G.R. No. 234608, July 3, 2018