

ANNEXES

Wednesday, May 13, 2020

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The following is the text of the privilege speech of Rep. Raul V. Del Mar on the ABS-CBN shutdown which the Body approved to insert in the Congressional Record of May 13, 2020:

PRIVILEGE SPEECH OF REP. RAUL V. DEL MAR

As one of the Members of the House who had strongly sought a fair hearing for ABS-CBN on its application for renewal of franchise, let me reiterate that I am utterly dismayed by the recent turn of events. ABS-CBN has been ordered to shut down its operations even before the House and the Senate could act on the bills extending the network's life.

What this is not

This is not what the Senate, in its "sense" of the Senate resolution, and the House Committee on Legislative Franchises Chairman Franz Alvarez, in his letter to the NTC, asked for.

This is not what the NTC assured the Senators and the Congressmen at their respective Committee hearings that the agency would not order the shutdown of ABS-CBN while it waits for Congress to renew its franchise, even making a commitment to issue a provisional authority to ABS-CBN for the purpose.

This is not what House Speaker Alan Peter Cayetano repeatedly promised publicly, which is, that ABS-CBN would continue to operate while the bills are pending.

This is not what Justice Secretary Menardo Guevarra "guided" NTC by, which is, that there is "sufficient equitable basis" for broadcast companies to continue operating while Congress still has to act on the bills granting the renewal.

This is not what "fair hearing" means: the NTC last May 5 ordering ABS-CBN to cease and desist immediately, not even waiting for the 10 days from receipt of the order for it to explain. Close shop and explain later.

The consequences, losses

This was done without considering the grave, even life and death consequences of NTC's order; the loss of millions of pesos in income to the company; the possible wipeout of investments from the public in its shares of stocks; the stripping of the means of livelihood and income, not just of its 11,000 or more employees and their families, but also of the small businesses supplying to or otherwise dealing with the principal company.

Then, there's the loss of a major source of news and information as well as entertainment to millions of ABS-CBN's devoted fans, many of whom have been watching its shows through the years.

Bad timing

NTC couldn't have picked a worse time to push and shove ABS-CBN's closure. On all levels: livelihood of more than 11,000 people and their families; economics—income for the network's owners, investors and sub-contractors and taxes for the government; information and entertainment for a huge mass of media consumers and the crippling of a giant media organization that has been raising and distributing large amounts of cash and volumes of goods for the countless citizens who have lost their jobs or their incomes which were reduced during the pandemic. What a way to reward social responsibility.

Couldn't NTC have waited for the time when government offices are fully open and some normalcy is back, not only for ABS-CBN to protect its rights under the law with a fully functioning justice system and a fully operational Congress but also for those who may have grievances against the network to present them at the proper forum?

I hereby earnestly propose that:

[1] The House leadership speed up its work on the pending ABS-CBN bills, which is expected to start today and hopefully get the job done in two weeks' time;

[2] The NTC accept a proposed amendment to change the effectivity date of its cease and desist order to ABS-CBN operations from "immediately executory" to "effective 60 days after the end of the government-imposed quarantine," thus, giving Congress enough time to come up with its final decision to grant or deny the renewal of ABS-CBN's franchise, while in the process allowing ABS-CBN to continue its operations in the meantime.

This is but consistent with NTC Memorandum Order No. 03-03-20 dated March 18, 2020 and NTC Memorandum Order No. 01-03-20 dated March 16, 2020:

NTC Memorandum Order No. 03-03-20 dated March 18, 2020, signed by Commissioner Gamaliel Cordoba, which states that "*all existing permits, certificates, and license to operate radio communications equipment, networks and facilities issued by the NTC expiring within March 15 to April 14 or during the enhanced community quarantine period shall continue to be valid 60 days after the end of the government-imposed quarantine period.*" [Philippine Star, May 9, 2020]

(b) NTC Memorandum Order No. 01-03-20 dated March 16, 2020, signed by Commissioner Gamaliel Cordoba, which states that "*all subsisting permits, permits necessary to operate and maintain telecommunication facilities nationwide, shall automatically be renewed and shall continue to be valid 60 days after the end of the government-imposed quarantine period.*" [Philippine Star, May 8, 2020]

Therefore, under NTC Memorandum Order No. 03-03-20, ABS-CBN's existing permit/license shall continue to be valid 60 days after the government-imposed quarantine period because its permit/license expired on May 4 which is during the enhanced community quarantine period, as well as under NTC Memorandum Order No. 01-03-20 because its permit was subsisting on the date of the issuance of said Memorandum on May 8.

On top of reasons of equity and fairness, justice, precedents, practices and due process is the provision in the Constitution promoting the general welfare which justifies the continued operation of ABS-CBN until 60 days after the end of the government-imposed quarantine period or until congress shall have decided to grant or deny its application for renewal of its franchise.

This controversy is dividing our people, tearing the nation apart, and smearing our institutions of legislation and free press in the bar of world opinion. And at a time when we must work together in fighting the real enemy, the coronavirus pandemic has shown no sign of resting or fleeing.

This ABS-CBN issue is draining the Filipinos' collective immune system, God help us.

Mr. Speaker, on another matter to regularize 4Ps, SAP and other aid programs for the poor, let me state that the current pandemic has focused with sharp clarity on the plight of the poorest of the poor among the Filipinos and resounded the call to help them, not just during emergencies but also during normal times.

I submit that the government must extend help even when no storm has ravaged the land or no plague has devastated our people.

There is a need to (1) consolidate the forms of assistance from the government, including the Social Amelioration Program (SAP) prompted by the coronavirus emergency, and the four Ps or Pantawid Pamilyang Pilipino Program, which has operated for some time now; (2) vet, refine and solidify the list of beneficiaries, whose integrity must be protected, unsullied by political or personal interest; (3) specify the functions of barangay officials, who answer to the recipients and the public; and of DSWD, whose resources and competence professionalize the program, along with clear-cut procedures on accountability.

I believe in outright dole-out a times when the beneficiaries cannot help themselves because the conditions of the nation are adverse to them and to most everyone else.

I also believe in giving them a life-saver while they are trying to survive as they seek for means to stand on their own. How can they gain livelihood when at the same time they are struggling with the problem of feeding themselves and their family?

Setting up a regular structure for those whom the government must help in good times or bad will rationalize the assistance program.

Yes, there are valid complaints against the PPPPs and lately the SAP but precisely, we must standardize and professionalize the methods of assistance to deliver the help to the truly deserving and to prosecute and punish those who violate, for personal or political gain, the purpose of the program. Protecting the integrity of the system and constantly updating it under a fraud-proof structure should be our goal. To reach that goal, I am filing a bill to regularize the SAP on a monthly basis.

Thank you, Mr. Speaker.

The following is the text of the manifestation of Rep. Rose Marie “Baby” J. Arenas on the ABS-CBN shutdown which the Body approved to insert in the Congressional Record of May 13, 2020:

MANIFESTATION OF REP. ROSE MARIE “BABY” J. ARENAS ON THE ABS-CBN SHUTDOWN

With the action taken by the National Telecommunications Commission (NTC) resulting in the cessation of the broadcast operations of ABS-CBN, it is my humble position that Congress can best serve the public interest and at the same time assert its exclusive constitutional prerogative by expediting the deliberations on the long-pending bills for the renewal of ABS-CBN’s franchise and by resolving the same once and for all.

It was under these circumstances that both the House and the Senate have relied on the commitment of the NTC that it would not act in the precipitous way that it did. We were assured that a provisional authority would be issued to ensure the uninterrupted operation of ABS-CBN while the renewal of its franchise was still up for deliberation. As one of the proponents of the renewal of the franchise I, too, fell for the false assurance that with a provisional authority, there will be no surprises of the sort we saw yesterday.

We have been in this quagmire since the time the expiration of the original franchise was then fast approaching. Mindful of the coming legislative recess and on the heels of the destructive eruption of Taal volcano, Congress acted to remedy the situation by calling for a hearing to formally place the issues under consideration by the Franchise Committee, and made sure that the NTC was present so that it was fully aware of the proceedings and could thus be guided accordingly. It is now obvious that our reliance on the good faith of the NTC was misplaced.

The Cease and Desist Order is a clear abandonment and disregard of the NTC’s commitment to issue a provisional authority to ensure the uninterrupted operation of ABS-CBN pursuant to its commitment last March 10 during the first hearing of the Committee on Legislative Franchises on the ABS-CBN franchise that, *“barring a gross violation of its franchise and of the NTC rules and regulations, the NTC will follow the latest advice of the DOJ and let ABS-CBN continue operations based on equity.”* By issuing the Cease and Desist Order, the NTC acted contrary to the unequivocal sense of both Houses of Congress expressed in the letter of the Speaker and the Franchise Committee Chair, as well as the resolution passed by the Senate. It must be mentioned that the NTC acted even against the legal advice of the Department of Justice which the agency itself sought.

Today, we find our country in the midst of the disastrous spread of COVID-19. The horror of this global pandemic is still unraveling as we speak. Are we now to be rendered powerless to prevent heaping more misery upon our people by adding thousands more to the ranks of those who are without livelihood and the unemployed? Even as we continue to grapple with the effects of the pandemic on all aspects of our life as a nation, it is a fact that Congress is back in session and continues to function despite the strictures dictated by this unprecedented crisis.

I believe that the merits of the application for the renewal are more than ripe for consideration and debate, and thereafter, a vote on the floor. We have the opportunity; we have the ability; and I strongly believe that we have the will to act with dispatch. We can tackle the issues regarding the franchise renewal while acting as a **Committee of the Whole**, if only to expedite the process. Whichever way the House may eventually vote, we are presented with a situation which requires no less than the timely performance of our duty. If we are to fully assert our jurisdiction as a legislative body, nothing can safeguard the same more from being usurped than our judicious, expeditious and decisive action.
