

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**SEVENTEENTH CONGRESS**  
Second Regular Session



COMMITTEE REPORT NO. 371 04 SEP 2017

Submitted by the Committee on Legislative Franchises on \_\_\_\_\_.

Re: House Bill No. 6315

Recommending its approval in substitution of House Bill No. 4759

Sponsors: Representatives Franz E. Alvarez and Jerry P. Treñas

MR. SPEAKER:

The Committee on Legislative Franchises to which was referred House Bill No. 4759, introduced by Rep. Jerry P. Treñas, entitled:

"AN ACT GRANTING THE VOLUNTEER LIFECARE MINISTRIES, INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, MAINTAIN AND OPERATE NON-COMMERCIAL RADIO BROADCASTING STATIONS IN THE PHILIPPINES"

has considered the same and recommends that the attached House Bill No. 6315 entitled:

"AN ACT GRANTING THE VOLUNTEER LIFECARE MINISTRIES, INC A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, MAINTAIN AND OPERATE NON-COMMERCIAL RADIO BROADCASTING STATIONS IN THE PHILIPPINES"

be approved in substitution of House Bill No. 4759, with Reps. Jerry P. Treñas and Franz E. Alvarez as authors thereof.

Respectfully submitted:

  
**FRANZ E. ALVAREZ**  
Chairman  
Committee on Legislative Franchises

**THE HONORABLE SPEAKER**  
**HOUSE OF REPRESENTATIVES**

Republic of the Philippines  
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**SEVENTEENTH CONGRESS**  
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HOUSE BILL NO. 6315

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Introduced by REP. JERRY P. TREÑAS and FRANZ E. ALVAREZ

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AN ACT  
GRANTING THE VOLUNTEER LIFECARE MINISTRIES, INC. A FRANCHISE TO  
CONSTRUCT, INSTALL, ESTABLISH, MAINTAIN AND OPERATE NON-COMMERCIAL  
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 provisions of the  
2 Philippine Constitution and applicable laws, rules and regulations, there is hereby granted to  
3 Volunteer Lifecare Ministries, Inc., hereunder referred to as the grantee, its successors or  
4 assignees, a franchise to construct, install, establish, operate and maintain for non-  
5 commercial purposes and in the public interest, radio and/or television broadcasting stations  
6 in the Philippines, where frequencies and/or channels are still available for radio and/or  
7 television broadcasting, including digital television system, through microwave, satellite or  
8 whatever means, including the use of any new technology in television and radio systems,  
9 with the corresponding technological auxiliaries and facilities, special broadcast, and other  
10 program and distribution services and relay stations.

11           SEC. 2. *Manner of Operation of Stations or Facilities.* - The stations or facilities of the  
12 grantee shall be constructed and operated in a manner as will, at most, result only in the  
13 minimum interference on the wavelengths or frequencies of existing stations or other stations  
14 which may be established by law, without in any way diminishing its own right to use its  
15 assigned wavelengths or frequencies and the quality of transmission or reception thereon as  
16 should maximize rendition of the grantee's services and/or the availability thereof.

17  
18           SEC. 3. *Prior Approval of the National Telecommunications Commission.* - The  
19 grantee shall secure from the National Telecommunications Commission (NTC) the  
20 appropriate permits and licenses for the construction and operation of its stations and facilities

1 and shall not use any frequency in the radio/television spectrum without authorization from the  
2 NTC. The NTC, however, shall not unreasonably withhold or delay the grant of any such  
3 authority.

4  
5 The grantee shall not dispose or lease its facilities except to entities with radio or  
6 television franchise: *Provided*, That the grantee shall inform and secure written authorization  
7 to proceed from the NTC, and report the transaction to the NTC within sixty (60) days after its  
8 completion: *Provided, further*, That the NTC shall determine the corresponding sanction for  
9 any violation of this provision.

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

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

21  
22 A special right is hereby reserved to the President of the Philippines, in times of war,  
23 rebellion, public peril, calamity, emergency, disaster or disturbance of peace and order to  
24 temporarily take over and operate the stations or facilities of the grantee; to temporarily  
25 suspend the operation of any station or facility in the interest of public safety, security and  
26 public welfare; or to authorize the temporary use and operation thereof by any agency of the  
27 government, upon due compensation to the grantee, for the use of said stations or facilities  
28 during the period when they shall be so operated.

29  
30 SEC. 6. *Term of Franchise.* - This franchise shall be in effect for a period of twenty-  
31 five (25) years, unless sooner revoked or cancelled. This franchise shall be deemed *ipso facto*  
32 revoked in the event the grantee fails to comply with any of the following conditions:

- 33  
34 (a) Commence operations within one (1) year from the approval of its operating permit by  
35 the NTC;

- 1 (a) Commence operations within one (1) year from the approval of its operating permit by  
2 the NTC;
- 3 (b) Commence operations within three (3) years from the effectivity of this Act; and  
4
- 5 (c) Operate continuously for two (2) years.

6 SEC. 7. *Bond.* - The grantee shall file a bond with the NTC, in the amount that the NTC  
7 shall determine, to guarantee compliance with and fulfillment of the conditions under which  
8 this franchise is granted. If, after three (3) years from the date of the approval of its permit by  
9 the NTC, the grantee shall have fulfilled the same, the bond shall be cancelled by the  
10 Commission. Otherwise, the bond shall be forfeited in favor of the government and the  
11 franchise *ipso facto* revoked.  
12

13 SEC. 8. *Self-regulation by and Undertaking of the Grantee.* - The grantee shall not  
14 require any previous censorship of any speech, play, act or scene, or other matter to be  
15 broadcast from its stations: *Provided*, That the grantee, during any broadcast, shall cut off  
16 from the air the speech, play, act or scene, or other matter being broadcast if the tendency  
17 thereof is to propose and/or incite treason, rebellion or sedition; or the language used therein  
18 or the theme thereof is indecent or immoral: *Provided, further*, That willful failure to do so shall  
19 constitute a valid cause for the cancellation of this franchise.

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

24 SEC. 10. *Sale, Lease, Transfer, Grant of Usufruct, or Assignment of Franchise.* - The  
25 grantee shall not sell, lease, transfer, grant the usufruct of nor assign this franchise or the  
26 rights and privileges acquired thereunder to any person, firm, company, corporation or other  
27 commercial or legal entity, nor merge with any other corporation or entity, nor shall transfer  
28 the controlling interest of the grantee, whether as a whole or in parts, and whether  
29 simultaneously or contemporaneously, to any such person, firm, company, corporation or  
30 entity without the prior approval of the Congress of the Philippines: *Provided*, That Congress  
31 shall be informed of any sale, lease, transfer, grant of usufruct, or assignment of franchise or  
32 the rights or privileges acquired thereunder, or of the merger or transfer of the controlling  
33 interest of the grantee, within sixty (60) days after the completion of said transaction: *Provided,*  
34 *further*, That failure to report to Congress such change of ownership shall render the franchise

1 *ipso facto* revoked: *Provided, finally,* That any person or entity to which this franchise is sold,  
2 transferred, or assigned, shall be subject to the same conditions, terms, restrictions, and  
3 limitations of this Act.

4 SEC. 11. *Reportorial Requirement.* – The grantee shall submit an annual report to the  
5 Congress of the Philippines, through the Committee on Legislative Franchises of the House  
6 of Representatives and the Committee on Public Services of the Senate, on its compliance  
7 with the terms and conditions of the franchise and on its operations on or before April 30 of  
8 every year during the term of its franchise. The reportorial compliance certificate issued by  
9 Congress shall be required before any application for permit or certificate is accepted by the  
10 NTC.

11  
12 SEC. 12. *Fine* – Failure of the grantee to submit the requisite annual report to  
13 Congress will be penalized by a fine in the amount of five hundred pesos (P500.00) per  
14 working day of noncompliance. The fine will be collected separately by the NTC distinct from  
15 the penalties it imposes for non-compliance of its reportorial requirements.

16 SEC. 13. *Equality Clause.* – Except for taxes and customs duties, any advantage,  
17 favor, privilege, exemption, or immunity granted under existing franchises, or which may  
18 hereafter be granted for radio and/or television broadcasting, upon prior review and approval  
19 of Congress, shall become part of this franchise and shall be accorded immediately and  
20 unconditionally to the herein grantee: *Provided,* That the foregoing shall neither apply to nor  
21 affect the provisions of broadcasting franchises concerning territory covered by the franchise,  
22 the life span of the franchise or the type of service authorized by the franchise.

23  
24 SEC. 14. *Repealability and Nonexclusivity Clause.* – This franchise shall be subject  
25 to amendment, alteration, or repeal by the Congress of the Philippines when the public  
26 interest so requires and shall not be interpreted as an exclusive grant of the privileges herein  
27 provided for.

28  
29 SEC. 15. *Separability Clause.* – If any of the sections or provisions of this Act is held  
30 invalid, all other provisions not affected thereby shall remain valid.

31  
32 SEC. 16. *Repealing Clause* – All laws, decrees, orders, resolutions, instructions, rules  
33 and regulations, and other issuances, or parts thereof which are inconsistent with the  
34 provisions of this Act are hereby repealed, amended, or modified accordingly

1            SEC. 17. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in  
2 the *Official Gazette* or in a newspaper of general circulation.

Approved,