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LAWNUM: RA07299
DATE : 03/26/92
TITLE : AN ACT EXTENDING THE FRANCHISE GRANTED TO THE EAGLE
BROADCASTING
CORPORATION TO ESTABLISH, OPERATE AND MAINTAIN RADIO BROADCASTING
AND
TELEVISION STATIONS IN THE PHILIPPINES UNDER REPUBLIC ACT NUMBERED
FORTY-NINE HUNDRED AND SIXTEEN, TO ANOTHER TWENTY-FIVE (25) YEARS
FROM
NOVEMBER 2, 1993 AND FOR OTHER PURPOSES

TEXT :

H. No. 34672

Republic of the Philippines
Congress of the Philippines
Metro Manila

Fifth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second
day of July, nineteen hundred and ninety-one.

[REPUBLIC ACT No. 07299]

AN ACT EXTENDING THE FRANCHISE GRANTED TO THE
EAGLE BROADCASTING CORPORATION TO
ESTABLISH, OPERATE AND MAINTAIN RADIO
BROADCASTING AND TELEVISION STATIONS IN THE
PHILIPPINES UNDER REPUBLIC ACT NUMBERED
FORTY-NINE HUNDRED AND SIXTEEN, TO ANOTHER
TWENTY-FIVE (25) YEARS FROM NOVEMBER 2,
1993 AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:

SECTION 1. Extension of Life of Franchise. - The life of
the franchise of the Eagle Broadcasting Corporation to
establish, operate and maintain radio broadcasting and
television stations in the Philippines under Republic Act No.
4916 is hereby extended to another twenty-five (25) years
from November 2, 1993.

SEC. 2. Incorporation of Other Provisions of Republic Act
No. 4916. - Subject to the provisions of Section 24(C) of the
National Internal Revenue Code, as amended, and the
provisions of Executive Order No. 72, all other provisions,
terms and conditions contained in Republic Act No. 4916 which

are still in force and are not affected by this Act, are hereby made integral parts of this Act.

SEC. 3. Parity Clause. - In the event any competing individual, partnership or corporation has received or shall receive from the Congress a similar franchise containing any term or terms more favorable than those herein granted or tending to place the herein grantee at any disadvantage, then such term or terms shall ipso facto become a part of the terms hereof and shall operate equally in favor of the grantee as in the case of said competing individual, partnership or corporation.

SEC. 4. 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 the other existing stations or stations which may be established by law, without in any way diminishing its own right to use its selected wavelengths or frequencies and the quality of transmission or reception thereon as should maximize rendition of the grantee's services and/or the availability thereof.

SEC. 5. Prior Approval of the National Telecommunications Commission. - The grantee shall secure from the National Telecommunications Commission the appropriate permits and licenses for its stations and shall not use any frequency in the radio spectrum without having been authorized by the Commission. The Commission, however, shall not unreasonably withhold or delay the grant of any such authority.

SEC. 6. Responsibility to the Public. - The grantee shall provide reasonable public service time to enable the Government, through the said broadcasting stations, to reach the population on important public issues; provide at all times sound and balanced programming; promote public participation such as in community programming; assist in the functions of public information and education; conform to the ethics of honest enterprise; and not use its stations for the broadcasting of obscene and indecent language, or speech, for the dissemination of deliberately false information or willful misrepresentation, or to the detriment of the public interest, or to incite, encourage, or assist in subversive or treasonable acts.

SEC. 7. Right of Government. - The President of the Philippines, in times of rebellion, public peril, calamity, emergency, disaster or disturbance of peace and order, may temporarily take over and operate the stations of the grantee, temporarily suspend the operation of any station in the interest of public safety, security and public welfare, or 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 during the period when they shall be so operated.

SEC. 8. Tax Provisions. - The grantee, its successors or assigns shall be liable to pay the same taxes on their real estate, buildings and personal property, exclusive of this franchise, as other persons or corporations which are now or hereafter may be required by law to pay. In addition thereto, the grantee, its successors or assigns shall pay a franchise tax equivalent to three percent (3%) of all gross receipts of the radio business transacted under this franchise by the grantee, its successors or assigns and the said percentage shall be in lieu of all taxes on this franchise or earnings thereof: Provided, That the grantee, its successors or assigns shall continue to be liable for income taxes payable under Title II of the National Internal Revenue Code pursuant to Section 2 of Executive Order No. 72 unless the latter enactment is amended or repealed, in which case the amendment or repeal shall be applicable thereto.

The grantee shall file the return with and pay the tax due thereon to the Commissioner of Internal Revenue or his duly authorized representative in accordance with the National Internal Revenue Code and the return shall be subject to audit by the Bureau of Internal Revenue.

SEC. 9. In compliance with the constitutional mandate to democratize ownership of public utilities, the herein grantee shall make public offering through the stock exchanges of at least thirty percent (30%) of its common stocks within a period of three (3) years from the date of effectivity of this Act: Provided, That no single person or entity shall be allowed to own more than five percent (5%) of the stock offering.

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

SEC. 11. Sale, Lease, Transfer, Usufruct, etc. - The grantee shall not lease, transfer, grant the usufruct of, sell or assign this franchise or the rights and privileges acquired thereunder to any person, firm, company, corporation or entity, nor merge with any other corporation or entity without the prior approval of the Congress of the Philippines. Neither shall the controlling interest in the grantee be transferred whether as a whole or in parts and whether simultaneously or contemporaneously, to any such person, firm, company, corporation or entity without the prior approval of the Congress of the Philippines. Any person

or entity to which this franchise is validly sold, transferred or assigned shall be subject to all the same conditions, terms, restrictions and limitations of this Act.

SEC. 12. General Broadcast Policy Law. - The grantee shall comply with and be subject to the provisions of a general broadcast policy law that may hereafter be enacted.

SEC. 13. Separability Clause. - If any of the sections or provisions of this Act is held invalid, all the other provisions not affected thereby shall remain valid.

SEC. 14. Repealability and Non-exclusivity Clause. - This franchise shall be subject to amendment, alteration or repeal by the Congress of the Philippines when the public interest so requires and shall not be interpreted as an exclusive grant of the privileges herein provided for.

SEC. 15. Reportorial Requirement. - The grantee shall submit an annual report to the Congress of the Philippines on its compliance with the terms and conditions of the franchise and on its operations within sixty (60) days from the end of every year.

SEC. 16. Effectivity Clause. - This Act shall take effect fifteen (15) days from the date of its publication in at least two (2) newspapers of general circulation in the Philippines.

Approved,

MITRA
NEPTALI A. GONZALES
President of the Senate
House

RAMON V.
Speaker of the
House
of Representatives

This Act which originated in the House of Representatives was finally passed by the House of Representatives and the Senate on January 27, 1992 and January 23, 1992, respectively.

SABIO
ANACLETO D. BADOY, JR.
Secretary of the Senate
General

CAMILO L.
Secretary
House of Representatives

Approved: March 26, 1992

CORAZON C. AQUINO

President of the Philippines