

REPUBLIC ACT NO. 8109

AN ACT GRANTING THE NOTRE DAME BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE, AND MAINTAIN RADIO BROADCASTING STATIONS IN THE PHILIPPINES FOR RELIGIOUS, EDUCATIONAL, AND CULTURAL AS WELL AS FOR COMMERCIAL PURPOSES

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

SECTION 1. *Nature and Scope of Franchise.* – Subject to the provisions of the Constitution and applicable laws, rules and regulations, there is hereby granted to the Notre Dame Broadcasting Corporation, hereunder referred to as the grantee, its successors or assigns, a franchise to construct, install, operate, and maintain for religious, educational, and cultural as well as for commercial purposes and in the public interest, radio broadcasting stations in the Philippines with the corresponding technological auxiliaries or facilities, special broadcast, other program and distribution services and relay stations, and to install radio communication facilities for the grantee's private use in its broadcast services.

SEC. 2. *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. 3. *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. 4. *Responsibility to the Public.* – This franchise is made upon the express condition that the grantee shall provide adequate public service time to enable the government, through its 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 broadcasting of obscene and indecent language or speech or for the dissemination of deliberately false information or willful misrepresentation to the detriment of the public health, or to incite, encourage, or assist in subversive or treasonable acts.

SEC. 5. *Right of Government.* – A special right is hereby reserved to the President of the Republic of the Philippines, in times of war, rebellion, public peril, calamity, emergency, disaster or disturbance of peace and order, to take over the stations and facilities of the grantee and to authorize the temporary use and operation thereof by any agency of the government, without compensating the grantee for the use of said stations during the period when they shall be so operated.

SEC. 6. *Term of Franchise.* – This franchise shall be in effect for a period of twenty-five (25) years from the date of approval of this Act, unless sooner revoked or cancelled, and is granted upon the express condition that the same shall be deemed *ipso facto* revoked upon failure of the grantee to operate continuously for two (2) years from the date of approval of this Act.

SEC. 7. *Acceptance and Compliance.* – Acceptance of this franchise shall be given in writing by the grantee. When so accepted, the grantee shall be empowered to exercise all the privileges granted under this Act. Noncompliance shall render the franchise void.

SEC. 8. *Tax Provisions.* – The grantee, its successors or assigns shall be liable to pay the same taxes, unless exempted therefrom, on its real estate, buildings and personal properties, exclusive of this franchise, as other persons or corporations 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: *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. *Self-regulation by and Undertaking of Grantee.* – The grantee shall not require any previous censorship of any speech, play, or other matter to be broadcast from its stations: *Provided,* That the grantee, during any broadcast, shall cut off from the air the speech, play, or other matter being broadcast if the tendency thereof is to propose and/or incite treason, rebellion or sedition, or the language used therein or the theme thereof is indecent or immoral.

SEC. 10. *Warranty in Favor of National and Local Governments.* – The grantee shall hold the national, provincial, city or municipal governments of the Philippines free from any and 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. *Prohibitions.* – The grantee shall not lease, transfer, grant the usufruct of, sell, or assign this franchise nor the rights and privileges acquired thereunder to any person, firm, company, corporation or other commercial or legal entity, nor

merge with any other company or corporation organized for the same purpose without the prior approval of the Congress of the Philippines. Any person, firm, company, corporation or other commercial or legal entity to which this franchise may be sold, transferred, or assigned shall be subject to all conditions, terms, restrictions and limitations of this franchise as fully and completely and to the same extent as if the franchise had been originally granted to the said person, firm, company, corporation or other commercial or legal entity.

SEC. 12. *Repeal or Amendment of Franchise.* – The franchise hereby granted 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. 13. *Separability Clause.* – If any of the sections of this Act or provision thereof is held invalid, all the other sections or provisions not affected thereby shall remain valid.

SEC. 14. *Effectivity Clause.* – This Act shall take effect upon its approval.

Lapsed into law on July 9, 1995 without the President's signature, pursuant to Sec. 27(1), Article VI of the Constitution.