

Republic of the Philippines
NATIONAL TELECOMMUNICATIONS COMMISSION
Quezon City

**NATIONAL
TELECOMMUNICATIONS
COMMISSION**

Complainant,

**NTC ADM. CASE NO.
2020-008**

-versus-

ABS-CBN CORPORATION

Respondent.

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DECISION

This resolves the case initiated by the Commission against respondent ABS-CBN Corporation (“ABS-CBN”) for the recall of all radio frequencies assigned to it due to lack of a congressional franchise.

Republic Act No. 7966, otherwise known as “An Act Granting the ABS-CBN Broadcasting Corporation a Franchise to Construct, Install, Operate and Maintain Television and Radio Broadcasting Stations in the Philippines, and for Other Purposes” was enacted on 30 March 1995 with a term of twenty-five (25) years from its effectivity. Section 15 of RA 7966 provides that the law shall be effective fifteen (15) days from its date of publication. RA 7966 was duly published on 19 April 1995 and became effective fifteen (15) days therefrom on 04 May 1995, and therefore expired on 04 May 2020.

Upon the expiration of Respondent’s legislative franchise under RA 7966 on 05 May 2020, the Commission issued an Order directing Respondent to cease and desist from operating its radio and television

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stations and to explain in writing why the frequencies assigned to it should not be recalled for lack of legislative franchise.

On 08 May 2020, the Commission was served a copy of the Petition for Certiorari and Prohibition (With Urgent Applications for the Issuance of a Temporary Restraining Order and/or a Writ of Preliminary Injunction)¹ filed by Respondent before the Supreme Court to nullify the Cease and Desist Order (“CDO”) issued by this Commission in this case.

On 15 May 2020, Respondent filed its Verified Answer and Compliance (“Answer”) to the 05 May 2020 Order of the Commission. Respondent maintained that its assigned frequencies should not be recalled, and instead, claimed that the instant administrative case should be suspended to await the conclusion of the legislative process on its franchise application, and the resolution of the Petition pending before the Supreme Court. According to Respondent,

- a. The grant of legislative franchise to Respondent was forthcoming and the recall of the assigned frequencies would thus be useless and costly exercise in contravention of the intent and desire of Congress;
- b. The retention of the assigned frequencies by Respondent is consistent with legislative policy;
- c. The recall of Respondent’s assigned frequencies is inextricably intertwined with the issues raised before the Supreme Court in relation to the CDO, and hence, the instant proceedings must be suspended pending the resolution of the case before the Supreme Court; and

¹ G.R. No. 252119.

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- d. The recall of Respondent's assigned frequencies may only be done after hearing and compliance with the requisite due process.

On 30 June 2020, the Commission issued an Order (Alias Cease and Desist Order) directing Respondent to cease and desist from operating digital TV transmission in Metro Manila using Channel 43.

On 10 July 2020, the House of Representatives Committee on Legislative Franchises resolved to deny Respondent's application for a legislative franchise.

On 03 August 2020, the Commission, pursuant to Section 2, Rule 11, Part IV of the NTC Rules of Practice, issued a Notice setting the case for Clarificatory Hearing on 20 August 2020, and directing Respondent to submit its Verified Position Paper on whether the denial of its franchise application by the House Committee on Legislative Franchises has rendered the instant case, particularly the remaining issue of the recall of assigned frequencies, moot.

On the scheduled Clarificatory Hearing, Respondent filed a Manifestation in lieu of a Verified Position Paper, alleging that:

"On 20 July 2020 the co-authors of House Bill No. 6052 (one of the bills for renewal of ABS-CBN's legislative franchise) and House Bill No. 639 (which urged reporting out for plenary action a consolidated version of the bills for the renewal of its franchise) moved that the Committee on Legislative Franchises submit its Resolution denying ABS-CBN's franchise application, and the Report of the Technical Working Group which recommended the denial, to the plenary for ratification and to decide on the issue. xxx ABS-CBN respectfully leaves the disposition of the instant case to the sound discretion of the Honorable Commission."

Meanwhile, on 25 August 2020, the Supreme Court dismissed Respondent's Petition in G.R. No. 252119 on the ground of mootness,

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as a consequence of the denial of Respondent's franchise application by the House of Representatives.

We now resolve.

Respondent has no valid franchise to continue operating television and radio broadcasting stations nationwide.


Act No. 3846, otherwise known as "An Act Providing for the Regulation of Public and Radio Communications in the Philippines and for Other Purposes" (Radio Control Law), as amended, provides that:

"Sec. 1. No person, firm, company, association, or corporation shall construct, install, establish, or operate a radio transmitting station, or a radio receiving station used for commercial purposes, or a radio broadcasting station, without having first obtained a franchise therefor from the Congress of the Philippines. xxx"

A franchise is a legislative authority within the exclusive domain of Congress, and as stated above, the Congress had already denied Respondent's application for legislative franchise on 10 July 2020. Moreover, the Supreme Court *En Banc* affirmed the full authority of Congress over the grant of a legislative franchise when it resolved to dismiss Respondent's petition for being moot.

Indubitably, the denial of Respondent's franchise renewal application by Congress, coupled with the denial of Respondent's Petition by the Supreme Court, lead to no other conclusion except that Respondent had already lost the privilege of installing, operating, and maintaining radio broadcasting stations in the country.

Consequentially, absent a valid legislative franchise, the recall of the frequencies assigned to Respondent is warranted.

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WHEREFORE, absent a valid legislative franchise, the Commission hereby renders judgment as follows:

1. ALL assigned frequencies/channels assigned to ABS-CBN CORPORATION are hereby RECALLED:

CASE NO.	CALL-SIGN	FREQUENCY	LOCATION
AM Radio Station			
87-006	DZMM-AM	630 kHz	Obando, Bulacan
81-067	DYAP-AM	765 kHz	Puerto Princesa City, Palawan
90-058	DYAB-AM	1512 kHz	Cebu City
90-062	DXAB-AM	1296 kHz	Davao City, Davao del Sur
95-372	DYRV-AM	1188 kHz	Catbalogan City, Western Samar
FM Radio Station			
87-006	DWRR-FM	101.9MHz	Antipolo City, Rizal
88-141	DZRR-FM	103.1 MHz	Baguio City, Benguet
94-150	DWEL-FM	95.5MHz	San Nicolas, Ilocos Norte
95-181	DWEC-FM	94.3 MHz	Dagupan City, Pangasinan
2016-026	DWBA-FM	91.3MHz	Santiago City, Isabela
81-067	DYCU-FM	99.9 MHz	Puerto Princesa City, Palawan
93-089	DWRD-FM	93.9MHz	Legaspi City, Albay
95-183	DWAC-FM	93.5 MHz	Naga City, Camarines Sur
2016-025	PA	99.3 MHz	Roxas City, Capiz
95-185	DYMC-FM	91.1MHz	Iloilo City
88-140	DYOO-FM	101.5 MHz	Bacolod, Negros Occidental
88-142	DYLS-FM	97.1 MHz	Cebu City, Mt. Busay
95-187	DYTC-FM	94.3MHz	Tacloban City, Leyte
95-182	DXFH-FM	98.7MHz	Zamboanga City, Zamboanga del Sur
88-139	DXRR-FM	101.1 MHz	Davao City, Davao del Sur
97-093	DXBC-FM	92.7 MHz	General Santos City (Iligan), South Cotabato
94-149	DXPS-FM	95.1 MHz	Cotabato City, Maguindanao
95-184	DXEC-FM	91.9 MHz	Cagayan de Oro City, Misamis Oriental
TV Stations			
87-006	DWWX-TV	Ch. 2 Ch. 43 (for DTT Transition) Ch. 16 (for DTT)	Quezon City, Metro Manila
2000-143	DWAC-TV	Ch. 23	Quezon City, Metro Manila
94-193	DZRR-TV	Ch. 32	Mt. Sto. Tomas, Benguet
87-125	D-3-ZO	Ch. 2 (in) Ch. 3 (out)	Mt. Sto. Tomas, Benguet
89-068	D-11-ZZ	Ch. 2 (in) Ch. 11 (out)	Mt. Amuyao, Mt. Province

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CASE NO.	CALL-SIGN	FREQUENCY	LOCATION
95-082	DWRD-TV	Ch. 7	San Nicolas, Ilocos Norte
2003-089	DZCG-TV	Ch. 11	Bantay (Mt. Kaniao), Ilocos Sur
2008-134	DWBK-TV	Ch. 34	Bantay (Mt. Kaniao), Ilocos Sur
97-274	DWAI-TV	Ch. 2	Santiago City, Isabela
96-338	DWAF-TV	Ch. 3	Tuguegarao, Cagayan
2007-138	DWAX-TV	Ch. 9	Aparri, Cagayan
2009-085	DWCM-TV	Ch. 11	Basco, Batanes
2004-093	DWBY-TV	Ch. 34	San Miguel, Bulacan
2002-110	DWTC-TV	Ch. 34	Tarlac City, Tarlac
2003-087	DWIN-TV	Ch. 46	San Fernando, Pampanga
89-025	D-12-ZT	Ch. 2 (in) Ch. 12 (out)	Olongapo City, Zambales
89-031	D-13-ZA	Ch. 2 (in) Ch. 13 (out)	Botolan, Zambales
2007-135	DZAB-TV	Ch. 11	San Jose, Occidental Mindoro
2005-022	DWAR-TV	Ch. 40	Jala-Jala, Rizal
2003-88 95-082	DWLY-TV	Ch. 46	San Pablo City, Laguna
89-022	DZAD-TV relay	Ch. 2 (in) Ch. 10 (out)	Mt. Banoy, Batangas
2007-147	DZAC-TV	Ch. 7	Virac, Catanduanes
99-252	DWAW-TV	Ch. 7	Sorsogon, Sorsogon
89-030	DZNC-TV	Ch. 11	Naga City, Camarines Sur
89-029	DZAE-TV	Ch. 4	Legaspi City, Mt. Bariw, Albay
89-026	D-10-ZC	Ch. 4 (in) Ch. 10 (out)	Tabaco, Albay
87-126	DYXL-TV	Ch. 4	Murcia, Mt. Kanlandong, Negros Occidental
97-283	DYEZ-TV	Ch. 9	Kalibo, Aklan
94-189	DYAJ-TV	Ch. 38	Iloilo City, Iloilo
94-188	DYAT-TV	Ch. 40	Bacolod City, Negros Occidental
87-128	DYCB-TV	Ch. 3	Cebu City, Mt. Busay, Cebu
89-023	D-9-YA	Ch. 3 (in) Ch. 9 (out)	Jagna, Bohol
96-022	DYMA-TV	Ch. 12	Valencia, Mt. Palimpinon, Negros Oriental
93-041	DYAB-TV	Ch. 2	Tacloban City, Mt. Naga-Naga, Leyte
2000-211	DXLL-TV	Ch. 3	Zamboanga City, Zamboanga del Sur
2006-095	DXCS-TV	Ch. 4	Cagayan de Oro City, Misamis Oriental
96-219	DXAG-TV	Ch. 4	Iligan City, Lanao del Norte
89-027	D-2-XB	Ch. 3 (in) Ch. 2 (out)	Mt. Kitanglad, Bukidnon
87-129	DXAS-TV	Ch. 4	Davao City, Davao del Sur
95-133	DXZT-TV	Ch. 3	General Santos City, South Cotabato
96-220	DXAI-TV	Ch. 5	Cotabato City, Maguindanao

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CASE NO.	CALL-SIGN	FREQUENCY	LOCATION
97-290	DXAJ-TV	Ch. 11	Butuan City, Agusan del Norte
DTTB Stations for Implementation			
2007-142	PA	Ch. 21	Aparri, Cagayan
2008-094	PA	Ch. 34	Bayombong, Nueva Vizcaya
97-288	PA	Ch. 9	Hondagua, Quezon
2007-140	PA-TV	Ch. 21	Brooke's Point, Palawan
97-284	PA-TV	Ch. 7	Cadiz City, Negros Occidental
97-287	PA-TV	Ch. 2	Toledo City, Cebu
97-204	PA-TV	Ch. 37	Cebu City, Cebu
94-190	DXAE-TV	Ch. 25	Zamboanga City, Zamboanga del Sur
2008-089	PA-TV	Ch. 21	Kidapawan, Cotabato
94-192	DXAF-TV	Ch. 24	General Santos City, South Cotabato

2. ALL PROVISIONAL AUTHORITIES/CERTIFICATES OF PUBLIC CONVENIENCE granted to ABS-CBN CORPORATION pursuant to RA 7966 are hereby REVOKED/CANCELLED. In addition, Respondent's pending applications/petitions before the Commission are hereby DISMISSED/DENIED.

SO ORDERED. SEP 09 2020

Quezon City, Philippines.


GAMALIEL A. CORDOBA
Commissioner


EDGARDO V. CABARIOS
Deputy Commissioner


DELILAH F. DELES
Deputy Commissioner


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Copy furnished:

POBLADOR BAUTISTA & REYES

Counsel for Respondent ABS- CBN CORPORATION
5th Floor, SEDCCO I Building
120 Rada corner Legaspi Streets Legaspi Village, Makati City
Tel. No. 8893-7623/Fax No. 8893-7622
Email Address : central@pbrlaw.com.ph

Attn. **ATTY. MARIO LUZA BAUTISTA**
ATTY. NICK EMMANUEL C. VILLALUZ

File
NICOMEDES E.
N. BATARA
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