

EXCERPTS FROM THE MINUTES OF THE 27TH REGULAR SESSION OF THE EIGHTH SANGGUNIANG BAYAN OF LOON, PROVINCE OF BOHOL HELD ON THE 7TH DAY OF JANUARY, 2002 AT THE SANGGUNIANG BAYAN SESSION HALL-

PRESENT : Hon. Raul P. Barbarona, Vice Mayor, Presiding Officer
Hon. Clovis L. Nazareno, SB Member
Hon. Fortunato N. Garay, SB Member
Hon. Cesar R. Pedrigal, SB Member
Hon. Zenon R. Perez, SB Member
Hon. Titus Clark U. Miranda, SB Member
Hon. Hermenegildo M. California, SB Member
Hon. Nicolas M. Labastilla, SB Member
Hon. Leticia M. Maratas, SB Member
Hon. Rosalio S. Sieras, LnB President, Ex-Officio Member

ABSENT : Hon. Yvonne T. Campoamor, SKMF President, Ex-Officio Member

MUNICIPAL ORDINANCE NO. 02-001
Series of 2002

Introduced by Vice Mayor, Atty. Raul P. Barbarona

AN ORDINANCE GRANTING THE BOHOL COMMUNITY CABLE SYSTEM T.V. SYSTEM (MANILA) A FRANCHISE TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE A COMMUNITY ANTENNA TELEVISION CABLE SYSTEM WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF LOON-

“WHEREAS, the Municipality of Loon, concomitant with its progress, needs the services of new information and entertainment facilities;

“WHEREAS, the BOHOL COMMUNITY CABLE T.V. SYSTEM has presented before this body an application requesting a franchise to construct, install, operate and maintain a community Antenna Television Cable System in the municipality of Loon;

“NOW THEREFORE, the 8th Sangguniang Bayan of Loon, in session assembled, hereby ordains:

SECTION 1. That BOHOL COMMUNITY CABLE T.V. SYSTEM is hereby granted a franchise to construct, install, operate and maintain a Community Antenna Television Cable System within the territorial jurisdiction of the Municipality of Loon subject to the following conditions:

- a) That the franchise will be for a period of twenty-five (25) years starting from the approval of this ordinance renewable at the option of both parties.
- b) That in the event that the operation of the service should turn out to be financially unprofitable to the grantee and upon satisfactory proof of its difficult financial position as determined and certified by the Office of the

Treasurer after examining its books of accounts, then it may discontinue the service upon at least three (3) months written notice to the Mayor and the Sangguniang Bayan and publication thereof in two (2) conspicuous places in the Municipal Hall and Public Market. Any cessation of service shall not release the grantee from whatever obligations arising from any contract or agreement it may have entered into with subscriber subject to existing laws, rules and regulation governing obligations and contracts.

- c) The grantee shall provide the following services:
 - i) Television signals from at least five (5) Metro Manila Channels, namely: ABS CBN Channel 2, PTV 4, GMA 7, RPN 9, IBC 13, and at least one (1) international television station, including CNN Channel.
 - ii) The grantee obligates itself to obtain the consent of all such existing channels whose signals are tapped, copy of said consent should be submitted to the Sangguniang Bayan within one (1) month from approval thereof to form an integral part of this grant.
 - iii) Very high frequency and extra-high frequency as well as sub-very high frequency, channels for distribution by cables; locally originated by local television channels or reporter television channels, background music facilities; commercial and industrial establishment; special pay-by-program channels; other communication; facsimile; reproduction and program facilities as may be feasible.
- d) The community antenna and the trunk cable from the community antenna to the municipality of Loon area, as shown in the plan of cable distribution which shall be filed within ten (10) months from said approval with the Municipal Engineer, shall be installed as operative within one (1) year from the approval of this franchise.
- e) The Municipality of Loon shall collect from the grantee the franchise tax and/or its equivalent; the business tax and such taxes levied upon under the Local Government Code and Municipal Ordinances; the franchise tax shall be collected regardless of whatever franchise tax and/or its equivalent the national government may hereinafter collect by reason of its operation. The Municipal Government shall collect from the grantee the maximum amount of franchise tax without prejudice to further increase should said national law or municipal ordinance be amended.

SECTION 2. That the grantee shall be subject to all laws and regulations governing the operation of a Community Antenna Television Cable System.

SECTION 3. The Sangguniang Bayan is hereby authorized to fix their rate relative to installation and monthly subscription fee and other fees which are necessary in the procurement of the services rendered by the grantee subject to existing laws, rules and regulations.

SECTION 4. In case of violation by the grantee of the terms, conditions and/or requirements specifically provided herein, the Sangguniang Bayan shall, upon proper hearing and valid proofs, have the right to withdraw the franchise herein granted.

SECTION 5. That the franchise granted to BOHOL COMMUNITY CABLE T.V. SYSTEMS shall not be transferable except when the Sangguniang Bayan give its consent to the transfer of said franchise to any person or entity.

SECTION 6. That the Municipality shall have the right to grant a similar franchise to other companies should there be a need.

SECTION 7. This franchise shall be deemed automatically cancelled if the management fails to install the necessary equipment/materials for the operation of the CATV within a period of six (6) months from approval of franchise.

SECTION 8. This Ordinance shall take effect upon its approval.

Unanimously Approved.

I hereby certify to the correctness of the above-quoted Municipal Ordinance.

ATTY. RAUL P. BARBARONA

Vice Mayor
Presiding Officer

ATTESTED:

FIDELINO P. CORITICO

Secretary to the Sanggunian

APPROVED:

CESAR TOMAS M. LOPEZ, M.D.

Municipal Mayor

Date Approved: _____