

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON FEBRUARY 03, 2022 IN LIEU OF
FEBRUARY 01, 2022

PRESENT:

Tomas R. Serafica,	(Temporary Presiding Officer)
Benjamin S. Pongos, Jr.,	SP Member, Presiding Officer "Pro-Tempore"
Roiland H. Villasencio,	SP Member, Majority Floor Leader
Eusebio Gerardo S. Penserga,	SP Member, 1 st Asst. Majority Floor Leader
Jasper M. Lucero,	SP Member
Peter M. Rodriguez,	SP Member
Vincent L. Rama,	SP Member
Gregorio G. Yrastorza III,	SP Member
Lalaine A. Marcos,	SP Member
Esteban V. Laurente,	SP Member
Joan Marbie C. Simbajon,	Ex-Officio SP Member, Chapter President,
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc	Liga ng mga Barangay ng Ormoc
	Ex-Officio SP Member, Chapter President,
	Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON LEAVE:

Leo Carmelo L. Locsin, Jr. City Vice Mayor & Presiding Officer

ON OFFICIAL BUSINESS:

Nolito M. Quilang, SP Member, 2nd Asst. Majority Floor Leader

PREFATORY STATEMENT

WHEREAS, WAVE NETWORK, INC., a corporation duly organized and existing under Philippine laws, has filed an application for a local franchise to install, operate and maintain a FM Radio Broadcast Station in Ormoc City;

WHEREAS, WAVE NETWORK, INC. has been issued a Certificate of Public Convenience (The Certificate) by the National Telecommunications Commission, herein referred to as the Commission, to (a) install, operate and maintain a FM Radio Broadcast Station in Ormoc City, Leyte, (b) to provide radio operations and public address system with music and broadcasting services in Ormoc City and (c) to maintain its station, systems and equipment for operation and broadcasting in a satisfactory manner at all times, and modify, improve or change such systems and equipment to keep abreast with the advances in science and technology. In issuing the Certificate, the Commission has the power to improve and modify such conditions relative to the construction, operation and maintenance of the broadcasting system;

WHEREAS, Republic Act 7160, otherwise known as the "Local Government Code of 1991", particularly Sec. 458, par.(a) sub-par (3)(vii), empowers the Sangguniang Panglungsod to enact ordinances granting franchise to any person, partnership, corporation or cooperative to do business within the local government unit;

WHEREAS, City Ordinance No. 41, Series of 1994 establishes guidelines, standards and requirements for the application and grant of franchise within Ormoc;

WHEREAS, this Sanggunian finds that the application filed by Wave Network, Inc. is impressed with merit, as it will serve the greater interest of the City as it will allow the operations of an additional radio station that will promote verified information, freedom of expression and healthy exchange of public opinions and ideas. In this time where the prevalence of fake news and the so-called alternative reality is burgeoning, we need the clarity and voice of mainstream media to balance and set forth straight facts and figures;

WHEREAS, the application of WAVE NETWORK INC. is also not contrary to law, ordinance, customs or public policy, is imbued with public interest and will serve the greater interest and good of the city;

WHEREFORE, FOREGOING PREMISES CONSIDERED, on motion of SP Member Vincent L. Rama, Chairman, Committee on Communication, Information Technology and Public Information, severally seconded by SP Members Tomas R. Serafica, Esteban V. Laurente, Jasper M. Lucero, Gregorio G. Yrastorza III, Nolito M. Quilang and Joan Marbie C. Simbajon; be it

RESOLVED, to enact:

**ORDINANCE NO. 084
(Series of 2022)**

**AN ORDINANCE GRANTING AUTHORITY TO WAVE
NETWORK INC. TO OPERATE A RADIO STATION IN
ORMOC CITY.**

SECTION 1. TITLE. This Ordinance shall be titled, "AN ORDINANCE GRANTING AUTHORITY TO WAVE NETWORK INC. TO OPERATE A RADIO STATION IN ORMOC CITY".

SECTION 2. POLICY. Ormoc City recognizes that radio broadcasting is an important facet of economic progress and social development as it promotes reliable and timely communications on a local and national scale. As such, the local government encourages the presence and operations of legitimate radio broadcast stations in the city, as it support its thrusts for the dissemination of transparent and effective information.

SECTION 3. GRANT. Subject to the provisions of the Philippine Constitution and applicable laws, rules and regulations on the grant of franchise to operate a radio station, radio operations and broadcasting, including the requirement to secure a local business and other permits, there is hereby granted to WAVE NETWORK, INC., the authority to operate the FM Radio Broadcast Station in Ormoc City as a business entity.

This grant is made subject to the condition of faithful and continuous fulfillment by Wave Network, Inc. of all national and local laws applicable to it as a radio station and business entity.

SECTION 4. TAXES AND PERMIT FEES. Same as other persons or entities are now or hereafter may be required by law to pay, Wave Network, Inc. shall be liable to pay:

- a) Permit Fees and like fees as provided in local and applicable ordinances;
- b) Pay taxes on its real estate, buildings and personal properties exclusive of this authority;

- c) Franchise tax as provided for in City Ordinance No. 41, Series of 1994; and
- d) Such other fees and charges that may be validly imposed by the City Government of Ormoc in accordance with relevant laws and regulations.

For the application of this section, all books of account and records of the Wave Network, Inc. shall be open to inspection at reasonable working hours and days, by the City Treasurer or by a deputy designated by him/her for such purpose.

SECTION 5. STRUCTURES. All structure(s) and/ or building(s) to be erected by the Wave Network, Inc. for the operation of a radio station is/are subject to compliance with the Building Code and relevant and existing ordinances.

SECTION 6. TRANSFER OF AUTHORITY. The authority given pursuant to this ordinance shall not be leased, sold, assigned, granted a usufruct of, or otherwise transferred to any person, firm, company, corporation, or entity, nor merge with other corporation or entity without the prior approval of the Sangguniang Panlungsod ng Ormoc.

SECTION 7. RIGHT OF GOVERNMENT. In the event of war, rebellion, insurrection or similar national crises and the government shall find it necessary to operate and maintain for itself any or all of its apparatus and system herein authorized, the grantee shall temporarily turnover such facilities or apparatus to the government in exchange for payment of just and reasonable compensation for the use thereof.

SECTION 8. WARRANTY IN FAVOR OF THE LOCAL GOVERNMENT. The Grantee shall hold the City Government of Ormoc harmless from all claims, accounts, demands or actions arising out of the accidents or injuries, whether to property or to persons, caused by the operation of the said FM Radio Broadcast Station of the Grantee.

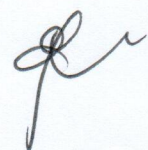
SECTION 9. SEPARABILITY CLAUSE. If any section or provision of this Ordinance is declared unconstitutional or invalid, the other sections or provisions not affected thereby shall continue to be in force and effect.

SECTION 10. EFFECTIVITY. This Ordinance shall take effect immediately upon its approval and shall be in force and effect for the duration of the existing congressional franchise of the Wave Network, Inc., unless sooner or otherwise modified or revoked.

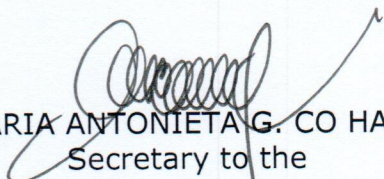
ENACTED, February 03, 2022.

RESOLVED FURTHER, to furnish copies of this ordinance one each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the City Treasurer; the BPLO; the Wave Network, Inc.; the City Local Government Operations Officer-DILG; and other offices concerned;

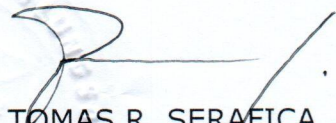
CARRIED UNANIMOUSLY.



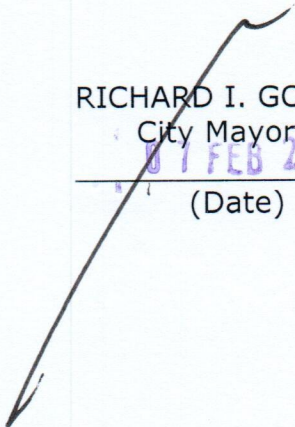
I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panlungsod

ATTESTED:


TOMAS R. SERAFICA
(Temporary Presiding Officer)
SP Member
Presiding Officer "Pro-Tempore"

APPROVED:


RICHARD I. GOMEZ
City Mayor
07 FEB 2022
(Date)