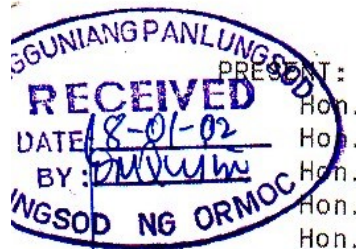




REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE NINTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON JUNE 20, 2002



PRESENT:

Hon. Celso P. Adolfo,	Vice Mayor & Presiding Officer
Hon. Nepomuceno P. Aparis I,	City Councilor, Majority Floor Leader
Hon. Jose S. Serafica,	City Councilor, Minority Floor Leader
Hon. Ruvinieu E. Mendola,	City Councilor, Assist. Maj. Floor Leader
Hon. Demosthenes F. Tugonon,	City Councilor
Hon. Eduardo P. Tan,	City Councilor
Hon. Rafael C. Omega, Jr.	City Councilor
Hon. Fernando P. Parrilla,	City Councilor
Hon. Gregorio A. Yrastorza, Jr.	City Councilor, Assist. Minority Floor Leader
Hon. Jovencio A. Laurente,	City Councilor
Hon. Fe. S. Lladoc,	City Councilor
Hon. Porferia Ma. Codilla,	Ex-Officio City Councilor,
Chapter President, Liga ng mga Barangay ng Ormoc effective June 28, 2001 in lieu of Hon. Fernando P. Parrilla who resigned.	

ABSENT:

Hon. Chiqui B. Labagala, (Sick Leave), Ex-Officio City Councilor,
SK Federation President

PREFATORY STATEMENT

CENTURY COMMUNICATIONS MARKETING CENTER, INCORPORATED filed an application with this august Body that it be granted a franchise to install, operate and maintain an FM Station in Ormoc City;

Republic Act 7160, otherwise known as the Local Government Code of 1991, particularly Section 458, par. (a) subpar. (3) (vii) thereof, empowers Sangguniang Panlungsod to enact ordinance granting franchise to any person, partnership, corporation or cooperative to do business within the city;

FOREGOING PREMISES CONSIDERED, on motion of City Councilor Jovencio A. Laurente, Chairman, Committee on Transportation & Communications, severally seconded by City Councilors Fernando P. Parrilla, Fe S. Lladoc & Nepomuceno P. Aparis I; be it

RESOLVED, to adopt:

ORDINANCE NO. 091

AN ORDINANCE GRANTING PROVISIONAL FRANCHISE TO CENTURY COMMUNICATIONS MARKETING CENTER, INCORPORATED, TO OPERATE AND MAINTAIN AN FM RADIO STATION IN ORMOC CITY, AND TO PUT UP AN 80 TO 120 FEET TRYLON ANTENNA MAST TO SUPPORT THE FM ANTENNAS, PROVIDED THAT THEY CAN PRODUCE A NATIONAL TELECOMMUNICATIONS COMMISSION (NTC) APPROVAL WITHIN SIX MONTHS FROM DATE OF APPROVAL BY THE SANGGUNIANG PANLUNGSOD.

BE IT ORDAINED by the Ninth Sangguniang Panlungsod ng Ormoc in SESSION assembled, That:

SECTION 1. Subject to the provisions of the Philippines Constitution and applicable laws, rules and regulations on radio operations and broadcasting, there is hereby granted to Century Communications Marketing Center, Inc., a provisional franchise to install, operate and maintain an FM Station in Ormoc City.

SECTION 2. CENTURY COMMUNICATIONS herein referred to as the GRANTEE shall secure from the National Tel. Commission herein after referred to as the Commission, a certificate of public convenience or appropriate permits and licenses to install, operate and maintain an FM Station in Ormoc City, provide radio operations and public address system with music and broadcasting services in Ormoc City and shall 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 equipments to keep abreast with the advances in science and technology. In issuing the certificate, the commission shall have the power to improve such conditions relative to the construction, operation and maintain of the broadcasting system.

SECTION 3. 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 other corporation or entity without the prior approval of the Sangguniang Panlungsod ng Ormoc. 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 Ordinance. The poles to be erected by the grantee shall be of such height as to maintain its signal and shall be placed in conformity with a plan to be approved by this Sangguniang Panlungsod.

SECTION 4. 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 5. The grantee shall be liable to pay the same taxes on their real estate, buildings and personal properties exclusive of this franchise, as other persons or broadcasting entities are now or hereafter may be required by law to pay. In addition thereto, the grantee shall pay to the City Government of Ormoc the franchise tax as provided for in the local tax ordinance, and such other fees and charges that may be imposed by the City Government of Ormoc.

SECTION 6. Within sixty (60) days after the effectivity of this Ordinance, the grantee shall file with the Secretary to the Sangguniang Panlungsod ng Ormoc its written acceptance of this franchise and of all the terms and conditions thereof. In default of such acceptance within the said period, this franchise shall become null and void.

Failure to file such an application for any reason other than force majeure or acts of God shall render this franchise void.

SECTION 7. 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 installation and operation of the said FM Station of the grantee.

SECTION 8. The books of the grantee shall always be open to inspection by the City Treasurer or by a deputy designated by him for that purpose, it shall be the duty of the grantee to submit to the City Treasurer quarterly reports in duplicate showing the gross receipts and net receipts for the quarter past and the general conditions of the business, one copy of which shall be forwarded by the City Treasurer to the Auditor General, Commission on Audit who shall keep the same on file.

SECTION 9. 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. This Ordinance shall take effect immediately upon its approval.

ENACTED, June 20, 2002.

RESOLVED, FURTHER, to furnish copies of this Ordinance one each to His Honor, the City Mayor of Ormoc Carmelo J. Locsin, the City Administrator, the City Legal Officer, the Manager, CENTURY Communications, the CMO, Licensing Division Office, and others concerned, -in Ormoc City.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

OSCAR B. LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:

CELSD P. ADOLFO
Vice Mayor & Presiding Officer

APPROVED:

CARMELO J. LOCSIN
City Mayor

08-01-02
(Date)