

Republic of the Philippines
Quezon City
13th CITY COUNCIL

P096-33

40th Regular Session

ORDINANCE NO. SP-385, S-96

AN ORDINANCE GRANTING A FRANCHISE TO DESTINY CABLE, INC. AND AN AUTHORITY TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN A COMMUNITY ANTENNAE TELEVISION SYSTEM (CATV) POPULARLY KNOWN AS CABLE TELEVISION IN QUEZON CITY.

Introduced by Councilors WINSTON "Winnie" T. CASTELO, ENRICO S. SEPRANO, BAYANI V. HIPOL, MOISES S. SAMSON, EMILIO G. TAMAYO, CONNIE S. ANGELES, NANETTE CASTELO-DAZA, JOSEPH PETER S. SISON, ALBERTO M. GALARPE, GODOFREDO T. LIBAN II, EUFEMIO C. LAGUMBAY, JORGE L. BANAL, VICTOR V. FERRER, JR., GUILLERMO C. ALTUNA and BONIFACIO M. RILLON.

Sponsored by Councilors Wilma Amoranto-Sarino, Antonio L. Sioson, Ma. Fresca M. Biglang-awa, Marciano P. Medalla, Antonio V. Hernandez (Anthony Alonzo), Franz S. Pumaren, Michael F. Planas, Cesar A. Dario, Jr., Alfredo A. Francisco (Fred Montilla), Ramon G. Mathay and Wencerom C. Lagumbay.

WHEREAS, subject to the provisions of Book II of Section 458 (3) of R.A. 7160 otherwise known as the Local Government Code of 1991, the Honorable City Council is empowered to enact ordinances granting franchises and authorizing the issuance of permits or licenses, upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the city, and pursuant to this legislative authority shall grant a franchise to any person, partnership, corporation or cooperative to do business within the city;

WHEREAS, as an effective tool of information and communication, cable television advances education and business services-both critical factors to economic development and provides services that can contribute to formation of good values;

WHEREAS, cable television is not limited to entertainment alone but will be a good vehicle in providing local information and promoting education to the community. It will also generate added revenue for the local government;

WHEREAS, in order to contribute to the national vision of industrialization via Philippines 2000, it is imperative that the City government equip the technology and communications network to support this plan;

WHEREAS, Destiny Cable, Inc. will be Quezon City's partner towards progress, growth and development. Through the features of cable television programming, the quality of television broadcasting will be uplifted with the introduction of world class events, features and functions on television that can provide a global perspective to Quezon City constituents;

WHEREAS, Destiny Cable, Inc., which is a corporation duly organized and existing under and by virtue of the laws of the Philippines, has exhibited the ability and competence to provide the community antennae television service to the residents of Quezon City;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED:

SECTION 1. Subject to the provision of existing laws, the Destiny Cable, Inc., is hereby granted franchise for the construction, installation, operation and maintaining a Community Antennae Television (CATV) system in Quezon City.

SECTION 2. The franchise and authority granted to Destiny Cable, Inc., shall be for a period of twenty-five (25) years from the date the CATV is first placed in operation within Quezon City, renewable for another 25 years with the same terms and conditions or upon such other terms and conditions as may be stipulated upon.

SECTION 3. In the event the grantee fails to operate the service continuously for two (2) years, the franchised herein granted is deemed ipso facto revoked, and/or if the operations thereof prove to be financially unprofitable, Destiny Cable, Inc., may be allowed to stop the operation after giving three (3) months notice to the city government and the corporation's subscribers, subject to the provisions of the existing laws.

SECTION 4. The grantee shall retain the ownership of all constructions and installation of its line and the materials directly related to the terms granted after the termination of the franchised and authority.

SECTION 5. The community antennae and trunk cable system from the head end of Destiny to within the City as shown in the plan of cable distribution shall be filed with the City Engineer's Office within one (1) year from the date of approval of this Ordinance and receipt of a copy hereof by the Destiny Cable, Inc.

SECTION 6. In case the grantee violates any of the terms and conditions specified herein and the provisions of pertinent laws, rules and regulations, the city government, through the City Council, may, after due notice and hearing, withdraw the franchise and/or authority granted to the grantee.

SECTION 7. The grantee shall be liable to pay the taxes the taxes on its real estate, building and personal property exclusive of the franchise and such other taxes as provided for by law and the City Revenue Code.

SECTION 8. The grantee shall not lease, transfer, encumber, sell or assign this franchise and authority to any person or entity without the approval of the Quezon City Council first had.

SECTION 9. The franchise and authority herein granted shall be subject to amendments, alterations or repeal by the Quezon City Council when public interest so requires and shall not be interpreted as an exclusive grant of privileges herein provided for.

SECTION 10. A copy of this Ordinance shall be furnished the City Treasurer, City Assessor, the City Engineer and the Chief of the Business Permits and licenses office, such that all taxes and fees due in the operation of such cable television in the city are properly collected.

SECTION 3. This Ordinance shall take effect upon its approval.

ENACTED March 12, 1996.

(SGD.) CONNIE S. ANGELES
President Pro-Tempore
Acting Presiding Officer

APPROVED:

(SGD.) EUGENIO V. JURILLA
City Secretary

APPROVED: _____

Created with

(SGD.) E. MATHAY, JR.
City Mayor

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