RESOLUTION NO. 73-S-95

A RESOLUTION GRANTING FRANCHISE TO SKY CABLE INC. TO INSTALL, OPERATE AND MAINTAIN A WIRE/WIRELESS MULTI-CHANNEL TELEVISION SYSTEM IN THE MUNICIPALITY OF BACOOR, PROVINCE OF CAVITE.

WHEREAS, the government, as a matter of policy, recognizes the vital role of communication and information in nation-building and its realization through mass media and modern communication;

WHEREAS, the residents of Bacoor need additional and alternative sources of information through a wider variety of educational, news, sports and entertainment programs on television;

WHEREAS, technological advances in equipment and facilities involving Wire/Wireless Multi-Channel Television System have acquired a very important role in meeting the aforementioned objectives;

WHEREAS, Sky Cable Inc., a corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, has the ability and competence to set-up such wire/wireless multi-channel television system that can provide services to the residents of Bacoor satisfy the latter's need for additional and alternative sources of information;

WHEREAS, Sky Cable Inc. is willing and in fact requesting for an authority to construct, install, operate and maintain a wire/wireless multi-channel television system in the Municipality of Bacoor and the negotiated use of existing electric poles within said Municipality;

NOW, THEREFORE, on motion of Kagawad Medwin K. Jarcia duly seconded by Kagawad Avelino S. De Castro.

BE IT RESOLVED, as it is hereby resolved that Sky Cable Inc. hereinafter referred to as the GRANTEE, be granted as it is hereby granted the authority to construct, install, operate and system in the Municipality of Bacoor, provided that:
1. The non-exclusive authority to operate shall continue for a period of 25 years from the date the wire/wireless system is first placed into operation, renewal upon the mutual agreements of both parties, and is granted upon the express condition that the same shall be void unless the installation of said system be begun within three months from the approval of this resolution and completed within one year from said date; and in case of non-compliance with the said period the performance bond of P50,000.00 which was deposited in the Municipal Treasurer will be forfeited in favor of the Municipal Government of Bacoor provided that in the event the operation of the system should prove to be financially unprofitable the GRANTEE, then it may be allowed to discontinue operations on at least three (3) month notice to the Municipality.

2. The GRANTEE shall provide the residents of Bacoor, through the wire/wireless TV system, the following services:

a) Receive and distribute audio-visual signals of available television relay stations in the Municipality, and those of foreign television stations to the extent feasible;

b) Distribute educational, sports, news, entertainment and other programs originated by the GRANTEE;

c) Transmit, originate, distribute and receive through said wire/wireless multi-channel television system, voice communications, information or data messages, facsimile, alarm and security signals, audio and video and all other types of digital impulses and signals as value-added services by means of electromagnetic waves, optics or any kind of energy, force variations or impulses radiated through space or transmitted through any other medium as may be allowed by law and are at present available or will be made available through technological advances or innovations in the future.

3. The Municipality of Bacoor shall collect each year from the GRANTEE a franchise tax equal to one-half of one percent of the gross annual receipts from business transacted in the Municipality of Bacoor by the GRANTEE; provided, that the terms "gross annual receipts" shall mean the total monthly subscription fees actually collected and received by the GRANTEE from subscribers and shall not include any other receipt derived from initial connection charges; provided, further, that the said annual receipts shall include any municipal, provincial and/or national taxes or fees added to the subscription fee and collected by the GRANTEE for any of said antities.

4. The right-of-way over all municipal property is granted by the Municipality of Bacoor to the GRANTEE for the installation of cables, including the right to attach to all municipal facilities; provided that the GRANTEE makes all such attachments at its own expense; provided further, that the right-of-way and the right to attach do not deny the Municipality the exercise of its authority to regulate the foregoing vis-a-vis, the right of the majority of its constituents to their safety and welfare.

5. The GRANTEE shall be given the necessary authority and permits to construct its antenna tower at the proposed antenna site subject to existing rules and regulations on zoning, fire prevention and the like.
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6. The Municipality of Bacoor shall provide all other local construction permits and/or other permits required in the construction and operate the television system within the Municipality of Bacoor, subject to, but not limited to, the payments of services as provided for under existing municipal ordinances; provided, that nothing herein shall be construed as exempting the GRANTEE from compliance with building and related rules and regulations.

7. The GRANTEE shall be authorized to charge subscribers such rates, installation fees, monthly subscription fees, deposits and other impositions and/or charges consistent with the GRANTEE's right to a fair and reasonable return of its investments as may be determined by the National Telecommunications Commission.

8. The GRANTEE shall retain the ownership of all constructions, of lines and other materials necessary for the business upon the expiration of this authority.

9. The Municipality of Bacoor, through the office of the Mayor, shall be allowed by the GRANTEE, through channels originated by the latter, to disseminate and/or air its programs, projects, important events and such matters as may be required by the Mayor; provided said requirements are reasonable and consistent with public interest.

RESOLVED, FURTHER, that a copy of the resolution be furnished to Sky Cable Inc., a non-exclusive authority for its information and guidance.

APPROVED UNANIMOUSLY.

We hereby certify to the truth and correctness of the quoted Resolution.

[Signatures of Members]

ATTESTED BY:

[Signature of Acting Secretary]

APPROVED BY:

[Signature of Municipal Mayor]