

PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
News and Information Bureau

INTERVIEW WITH PRESIDENTIAL SPOKESPERSON HARRY ROQUE
BY PINKY WEBB – THE SOURCE/CNN PHILS
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WEBB: Sir, good morning. Good to see you.

SEC. ROQUE: Good morning. Good morning, Pinky. And good morning, Philippines.

WEBB: Okay. So, sir, what is the stand of Malacañang, again sir, dito sa naging desisyon ng NTC on cease and desist; and also the reaction on the going off air of ABS-CBN last night, sir?

SEC. ROQUE: Well, I think the Constitution is very clear: It is only the House of Representatives that can initiate 'no the approval of any franchise. Even if the Senate wanted to pass its own bill, they could not unless the House has concluded its bill 'no. And under the Constitution, the President is absolutely bereft of power to grant this franchise.

Now, the issue is whether or not the NTC can be compelled as Congress wants to issue a provisional franchise. We've examined the law in this regard, and the NTC is a quasi-judicial body. It is only attached to the DICT for purposes of policies and programs, but its decisions are not even reviewable by the Office of the President. They can only be reviewed by our courts 'no, either the Court of Appeals or the Supreme Court.

So I think that makes it very clear that there is no way that the President could influence a decision of a quasi-judicial body. Now in law, this is known as doctrine of primary jurisdiction in specialized matters such as on the issue of broadcast franchises, we leave it to those with specialized competence to deal with the matter 'no.

WEBB: You know, we're getting, of course, both sides here. Secretary Guevarra says that the President can reverse that decision; you're saying "no". And Congressman Edcel Lagman shares your view as well, saying that the President cannot intervene or reverse the decision of the NTC regarding this.

So that is clear to you, sir, that hindi ho puwedeng palitan ni Pangulo iyong naging desisyon ng NTC.

So if that is the case, then ang makikita na lang po siguro natin ay umusad ito sa korte whether a motion for reconsideration or a TRO, Secretary, by ABS-CBN of course?

SEC. ROQUE: That or Congress. That or Congress can draft the franchise because Congress right now is in session. And I heard Congressman Salceda say that they can probe the franchise bill in a week's time 'no, and they have about a month left for their sessions 'no.

So I think getting the franchise could be a speedier remedy for ABS-CBN, and that is why the President has asked me to tell the lawmakers that he is absolutely neutral in this regard. There is no double speak here. The congressmen can vote according to their conscience, and the President will not take it against them.

WEBB: Sir, when did you speak to the President regarding this?

SEC. ROQUE: Yes, I spoke yesterday to the President at 10 A.M, and we spoke for about 20 minutes.

WEBB: Yesterday at 10 A.M?

SEC. ROQUE: 10 P.M. I should say, 10 P.M. last night.

WEBB: Okay, 10 P.M. Ang sinabi po niya, just to repeat, sir, is that—ano ho iyong sinabi niya na iyong mga congressmen ay may kalayaan na bumuto kung gusto man nilang i-renew ito o hindi. Basically that's what he said, sir?

SEC. ROQUE: Yes, it's to emphasize that he is neutral on the issue. And I think that would also indicate that if it reaches its desk, for as long as there is no constitutional infirmity, then he will not object to the law.

WEBB: And did he say anything else, Secretary Roque?

SEC. ROQUE: Well, he also emphasized that in this instance, he did not intervene, he did not side with either Secretary Calida or Secretary Guevarra because they have diametrically opposed views on the matter 'no. But he is the chief implementer of the law, and he would be committing a crime if he were to grant the franchise that he has no power to grant; and he will also be violating the law if he were to influence the decision of a quasi-judicial body.

WEBB: And as you mentioned, sir, and as we know, the stand of Secretary Guevarra is different from, obviously the stand of the SolGen. Secretary Roque, who do you think is right here? In your legal opinion po, sino ho kaya iyong tama sa kanila?

SEC. ROQUE: Well, I think the President is correct that is an issue that is left to the NTC in the absence of a congressional franchise. But the actual remedy of ABS-CBN lies with the House of Representatives because I think the Senate can even approve the franchise bill in a day's time assuming the House will approve it.

WEBB: Sabi nga po ni Senate President Tito Sotto, sir, “Ipadala ninyo sa amin, we will approve that right away.” And also just to get your legal opinion as well on this, how does this in any way affect the quo warranto petition filed by the SolGen before the Supreme Court on the franchise of ABS-CBN, sir; is this moot and academic?

SEC. ROQUE: Well, you know, I have said my opinion on this matter as a lawyer before I went back as a Spokesperson. But the matter is pending in court, but I think the quo warranto is on the remaining life of the franchise which obviously had become moot because the franchise had already expired.

WEBB: All right. Presidential Spokesperson Harry Roque, sir, good to see you and take care, sir.

SEC. ROQUE: Thank you.

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