

Republic of the Philippines
DEPARTMENT OF INFORMATION AND COMMUNICATIONS
TECHNOLOGY

National Telecommunications Commission
Quezon City

NATIONAL TELECOMMUNICATIONS COMMISSION COMMISSION SECRETARIAT	
MAY 02 2022	
RECEIVED BY:	<u>Ellen</u>
TIME:	<u>1:36 pm</u>

**CONCEPCION E. EMPENO,
ERLINDA T. CADAPAN, and
CRISTINA PALABAY**

Complainants,

-versus-

Case No. **2022-027**
For violation of
Republic Act No. 11422

**SWARA SUG MEDIA
CORPORATION,**

Respondent.

X-----X

COMPLAINT

1. WE are **CONCEPCION E. EMPENO**, Filipino, of legal age, widow and with address at 41 Purok 1, Brgy. Sta Rita, Masinloc, Zambales; **ERLINDA T. CADAPAN**, Filipino, of legal age, married and with address at #9309 Brgy. Batong Malaki, Los Baños, Laguna; and **CRISTINA PALABAY**, Filipino, of legal age, single and with address at 2F Erythrina Bldg., 1 Maaralin Street, Brgy. Central, Quezon City. We are the Complainants in this case.

We may be served with summons, notices, orders and other legal processes of this Honorable Commission at our respective addresses specified above.

CONCEPCION E. EMPENO and **ERLINDA T. CADAPAN** are the mothers respectively of Karen Empeno (Karen) and Sherlyn Cadapan (Sherlyn), the University of the Philippines (UP) students who were accused and tagged as members of the New People's Army and were abducted by the military on 26 June 2006 in Hagonoy, Bulacan while they were doing their school project. The abduction was proved to be ordered by Jovito Salvaña Palparan, Jr. (Palparan).

Based on eyewitness' accounts given under oath, Karen and Sherlyn were tortured upon the order of Palparan through waterboarding,

rape with shards of wood, severe beating, etc. Despite the conviction of Palparan for the disappearance of Karen and Sherlyn, their bodies were never found.

2. Respondent **SWARA SUG MEDIA CORPORATION** (Corporation) is a domestic corporation organized and existing under Philippine laws with address at ACQ Tower, Sta. Rita Street, Guadalupe Nuevo, Makati City, where it can be served with summons, notices, orders and other legal process of this Honorable Commission.

3. SMNI News Channel (SMNI) is a public broadcasting station owned by Suwara Sug Media Corporation. The Corporation's franchise was granted on 23 July 2018 when Republic Act No. 11422 was enacted. Pursuant to the Republic Act No. 11422 (R.A. No. 11422), the Corporation was allowed to, among others, operate and/or maintain radio and/or television broadcasting stations of SMNI.

4. On 30 March 2022, we were able to watch the SMNI broadcast where Lorraine Badoy (Badoy) interviewed Palparan.¹ **(ANNEX A-1)**

I, Concepcion E. Empeño, was able to watch said interview *via* YouTube using my Smart TV at my house at 41 Purok 1, Brgy. Sta Rita, Masinloc, Zambales.

I, Erlinda T. Cadapan, was able to watch said interview *via* Facebook at <https://www.facebook.com/watch/?v=508736410904200> using my cellphone and the Facebook account of Asher Cadapan with link <https://www.facebook.com/asher.cadapan.7>.

I, Cristina Palabay, was able to watch said interview *via* Facebook using my cellphone and through my own Facebook account with link <https://www.facebook.com/tinay.palabay>.

5. Starting from the 22:35 mark thereof, Badoy stated the following:

“[T]he CPP-NPA-NDF has endorsed Vice President Leni Robredo as their presidential candidate. So I want the Filipino people to see that this has been an ongoing relationship, this alliance...”

6. At the 25:45 mark of the same interview, Palparan then responded by saying:

¹ “backer ni len-len, palparan ikinanta” posted by DU30 One Tv on 30 March 2022 at (<https://www.facebook.com/watch/?v=508736410904200>). Last accessed 23 April 2022.

“Regarding the alliance or agreement nina Vice... it could easily happen Usec because itong mga Robredo doon sa Bikol yan sila eh. And Bikol, I must say... the whole region, to me, is infested.”

7. He further went on to say that:

“It’s not quite remote na the Robredos have already an alliance with this group noon pa man doon sa Bikol.”

8. Sometime in April 2022, SMNI broadcasted a news segment stating that Vice President Leni Robredo (Robredo) made an alliance with the CPP-NPA-NDF.² **(ANNEX A-2)**

9. Through the foregoing, SMNI claimed that Robredo is allied with the Communist Party of the Philippines, New People’s Army and National Democratic Front (CPP-NPA-NDF).

10. On 23 April 2022, we were able to watch the SMNI broadcast where SMNI claimed that Robredo is allied with the CPP-NPA-NDF.

I, Concepcion E. Empeño, was able to watch said interview *via* web browser using my cellphone.

I, Erlinda T. Cadapan, was able to watch said interview *via* web browser using my cellphone.

I, Cristina Palabay, was able to watch said interview *via* Twitter using my cellphone.

11. These broadcasts made by SMNI shook us considerably, both mentally and emotionally.

11.1. We, Concepcion E. Empeño and Erlinda T. Cadapan, are the mothers of Karen and Sherlyn, two UP students whom Palparan had abducted with the help of armed men.

11.2. On 26 June 2006, armed men wearing bonnets abducted Sherlyn and Karen. They were tied, blindfolded, and then boarded on a jeep and taken away. The Supreme Court ordered Palparan to immediately release

² “SMNI ni-red tag si VP Leni” posted by TwerkingPinoy on 3 April 2022 at (https://twitter.com/TwerkingPinoy/status/1510417300444246018?t=iOsFEB6WtR10_ZqjLmwMdA&s=19). Last accessed 23 April 2022.

Sherlyn and Karen in a Decision dated 31 May 2011.³

- 11.3. Considering the unfortunate plight which our daughters were subjected to and/or despite Palparan's incarceration, SMNI still aired the interview with the latter based on nothing more than unsubstantiated allegations and/or red-tagging.
- 11.4. SMNI abused its franchise and/or authority or certificate of public convenience and necessity (CPCN) given to it by this Honorable Commission by publicly airing the interview with Palparan despite the baseless accusations and red-tagging of the latter.
- 11.5. By broadcasting the foregoing interview and segment, SMNI misused the platform granted by the State or at the very least, allowed, deliberately or otherwise, others to use its facilities to propagate false news or information.
- 11.6. We are utterly appalled and disturbed that a franchise grantee and/or holder of a CPCN such as SMNI which is tasked with the responsibility of disseminating true and/or accurate information and balance programming, among others, has the temerity to make such broadcasts which are accessible to and watched by the viewing public.
- 11.7. Because of these, its viewers and/or the public are led to biased or unreliable information, not to mention deliberate misrepresentation, to the detriment of public interest.

12. It appears that these claims of SMNI are based solely on statements from Badoy, Palparan and/or alleged former rebels belonging to the NPA, contrary NOT ONLY to its undertakings and/or the provisions of its charter under RA 11422 BUT ALSO to the rules

³ Lt. Col. Rogelio Boac et al. v. Erlinda T. Cadapan and Concepcion E. Empeño, G.R. No. 184461-62, 184495, 187109, 31 May 2011.

and/or principles of the Kapisanan ng mga Brodkaster ng Pilipinas to which SMNI is a member.⁴

13. We consulted our lawyers regarding these serious matters and according to them, below are provisions of R.A. No. 11422 which SMNI violated by broadcasting the foregoing claims:

.....

Section 4. Responsibility to the Public.— The grantee shall provide, free of charge, adequate public service time which is reasonable and sufficient to enable the government, through the broadcasting stations or facilities of the grantee, to reach the pertinent populations or portions thereof, on important public issues and relay important public announcements and warnings concerning public emergencies and calamities, as necessity, urgency or law may require; **provide at all times sound and balanced programming**; promote public participation; **assist in the functions of public information and education; conform to the ethics of honest enterprise**; promote audience sensibility and empowerment including closed captioning; and **not use its stations or facilities for the broadcasting of obscene or indecent language, speech, act, or scene; or for the dissemination of deliberately false information or willful misrepresentation, to the detriment of the public interest**; or to incite, encourage, or assist in subversive or treasonable acts. (*Emphasis supplied*)

.....

Section 7. Self-regulation by and Undertaking of the Grantee.— The grantee shall not require any previous censorship of any speech, play, act, or scene, or other matter to be broadcast from its stations: Provided, That the grantee, during any broadcast, **shall cut off from the air the speech, play, act, or scene, or other matter being broadcast if the tendency thereof is to propose or incite treason, rebellion or sedition**; or the language used therein or the theme thereof is indecent or immoral: Provided, further, **That willful failure to do so shall constitute a valid cause for the cancellation of this franchise.**

.....

14. Likewise, our lawyers advised that SMNI violated the following provisions of the 2007 Broadcast Code of the Philippines, viz.:

⁴ Per the list as of February 2021, accessed through <https://www.kbp.org.ph/organization/kbp-members>. Last accessed on 25 April 2022.

Article I. NEWS AND PUBLIC AFFAIRS

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Section 4. NEWS SOURCES

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4.a. Care must be taken in selecting news sources since the credibility of the news rests upon its sources.

4.b. Only news that can be attributed to a source shall be aired. When a source cannot be identified by name, the reason for this should be made clear in the news report.

.....

4.h. Rumors or gossips shall not be aired in the guise of news. Using terms like "anonymous source", "confidential source" or "unknown source" shall not justify the airing of rumors and gossips especially in news programs.

.....

Section 5. UNCONFIRMED REPORTS

5.a. **Unconfirmed reports shall not be aired** unless there is an immediate and urgent need for the public to know about them, such as when the public needs to be warned of the possibility of an imminent danger. **When such reports are aired, it must be emphasized that they are unconfirmed**

5.b. **An unconfirmed report must be verified as soon as possible. If an unconfirmed report is found to be false, an announcement saying so must be made**

.....

Article 4. PERSONAL ATTACKS

.....

Section 2. **Programs intended to malign, unfairly criticize or attack a person, natural or juridical, are prohibited.**(G)

.....

Section 4. **When personal attacks against any person, institution or group are aired, that person, institution or group shall be given a fair opportunity to reply immediately** in the same program, if possible, or at the

earliest opportunity. If not, the opportunity to reply should be given in any other program under similar conditions. (G)

Article 5. CORRECTING MISTAKES

When a mistake has been broadcast, it must be acknowledged and rectified as soon as possible by stating the mistake and making the correction. (S)

.....

Article 7. INDIVIDUAL RIGHTS

.....

Section 3.

News coverage must not violate nor interfere with an individual's right to be presumed innocent until proven guilty. (S)

.....

Article 21. RESPECT FOR LAW AND ORDER

Section 1. Broadcast facilities shall not be used or allowed to be used for advocating the overthrow of government by force or violence. (G)

Section 2. The broadcast of materials which tend to incite treason, rebellion, sedition or create civil disorder or disturbance is prohibited.

.....

15. In addition, our lawyers explained that SMNI violated the following provisions of Resolution No. 10730 issued by the Commission on Elections, in relation to Article 8 (Political Propaganda) of the foregoing Broadcast Code:

.....

SECTION 6. Lawful Election Propaganda. - Election propaganda, whether on television or cable television, radio, newspaper, the internet or any other medium, is hereby allowed for all *bona fide* candidates seeking national and local elective positions, subject to the limitation on authorized expenses of candidates and parties, **observation of truth in advertising**, and to the supervision and regulation by the COMELEC.

.....

SECTION 12. Fair and Accurate Reporting. - All members of the news media, television, radio, print, or online, shall

scrupulously report the news, taking care not to suppress essential facts or distort the truth by omission or improper emphasis. **They shall recognize the duty to air the other side and the duty to correct substantive errors promptly and without prejudice to the right of said broadcast entities to air accounts of significant news or newsworthy events and views on matters of public interest.**

.....

16. Our lawyers further counseled that with regard to the suspension/revocation of the CPCN issued in favor of SMNI and/or the Corporation, this Honorable Commission which issued the CPCN has the power to revoke the same. The powers and functions of this Honorable Commission is provided under Executive Order No. 546, series of 1979, as follows:

.....

Sec. 15. Functions of the Commission. The Commission shall exercise the following functions:

a. **Issue Certificate of Public Convenience** for the operation of communications utilities and services, radio communications systems, wire or wireless telephone or telegraph systems, radio and television broadcasting system and other similar public utilities;

b. **Establish, prescribe and regulate areas of operation of particular operators of public service communications**; and determine and prescribe charges or rates pertinent to the operation of such public utility facilities and services except in cases where charges or rates are established by international bodies or associations of which the Philippines is a participating member or by bodies recognized by the Philippine Government as the proper arbiter of such charges or rates;

c. **Grant permits for the use of radio frequencies for wireless telephone and telegraph systems and radio communication systems including amateur radio stations and radio and television broadcasting systems**;

d. Sub-allocate series of frequencies of bands allocated by the International Telecommunications Union to the specific services;

e. **Establish and prescribe rules, regulations, standards, specifications in all cases related to the issued Certificate of Public Convenience and administer and enforce the same**;

.....

17. In the same breath, our counsel explained that the power of this Honorable Commission to issue CPCNs was affirmed by the Supreme Court in the case of **ABS-CBN vs. NTC** in the following manner:

.....

With respect to the broadcast industry, Section 1 of Act No. 3846, as amended, clearly provides that "[n]o person, firm, company, association or corporation shall construct, install, establish, or operate a radio station within the Philippine Islands without having first obtained a franchise therefor from the Philippine Legislature x x x." It has also been clarified in *Associated Communications* that a congressional franchise is required to operate radio, as well as television stations, in light of the subsequent issuance of Presidential Decree No. (PD) 576-A.

In this relation, Section 6 of PD 576-A further imposes, as an additional requirement to operate a radio or television station, an "authority" coming from "the Board of Communications and the Secretary of Public Works and Communications or their successors [(i.e., the NTC)] who have the right and authority to assign to qualified parties frequencies, channels or other means of identifying broadcasting systems." In *Divinagracia v. Consolidated Broadcasting System, Inc.* (*Divinagracia*), citing *Associated Communications*, this Court ruled that the legislative franchise requirement under Act No. 3846, as amended, was not repealed by the additional requirement imposed in PD 576-A. Instead, they coexist. Thus, in *Divinagracia*, it was explained that:

Broadcast and television stations are required to obtain a legislative franchise, a requirement imposed by the Radio Control Act and affirmed by our ruling in *Associated Broadcasting*. **After securing their legislative franchises, stations are required to obtain CPCs from the NTC before they can operate their radio or television broadcasting systems.** Such requirement while traceable also to the Radio Control Act, **currently finds its basis in E.O. No. 546, the law establishing the NTC.** (*Emphasis supplied*)

In this case, ABS-CBN seeks that the Court annul and set aside the CDO issued by the NTC ordering it to cease and desist from operating its radio and television stations enumerated therein. The core of ABS-CBN's petition rests on its argument that the NTC should not have pre-empted the will of Congress by directing it (ABS-CBN) to halt its broadcasting operations through said stations pending the determination of Congress on the renewal of its legislative franchise based on the bills specifically filed therefor. In other words, ABS-CBN banks on the fact that since Congress has yet to act on these pending bills, there is still a possibility that its legislative franchise would be renewed; hence, the NTC should not have overtaken Congress' action on these pending bills by issuing the assailed CDO. In this regard, ABS-CBN claims that Congress has the "corollary power" to define and preserve rights and

obligations pending its final determination on the matter. Notably, ABS-CBN's position is echoed in the "guidance" issued by the DOJ Secretary, which submits that the plenary power of Congress includes the auxiliary power to define and preserve the rights of the franchise applicant pending final determination of the renewal of the franchise.⁵ (*Emphasis supplied and citations omitted*)

.....

18. With regard to the power to suspend, revoke or cancel a CPCN, the ruling in the case of **Gordon vs. Veridiano** is compellingly instructive:

.....

The power to approve a license includes by implication, even if not expressly granted, the power to revoke it. By extension, the power to revoke is limited by the authority to grant the license, from which it is derived in the first place. Thus, if the FDA grants a license upon its finding that the applicant drug store has complied with the requirements of the general laws and the implementing administrative rules and regulations, it is only for their violation that the FDA may revoke the said license. By the same token, having granted the permit upon his ascertainment that the conditions thereof as applied particularly to Olongapo City have been complied with, it is only for the violation of such conditions that the mayor may revoke the said permit.⁶ (*Emphasis supplied*)

.....

19. Indeed, we were informed by counsel that under Rule III of Part IV of the 2006 Rules of Practice and Procedure before the National Telecommunications Commission (2006 NTC Rules), this Honorable Commission *en banc* has the power to decide on decisions judgments or orders regarding the cancellation or suspension of authorizations granted to broadcast operators. To wit:

.....

The Hearing Officer may issue orders on matters interlocutory in nature. **However, decisions, judgments, orders granting, dismissing, canceling or suspending the authorizations granted to telecommunications/broad cast/CATV operators, and orders resolving motions for reconsideration shall be decided by the Commission en**

⁵ G.R. No. 252119, [August 25, 2020].

⁶⁶ G.R. No. L-55230, [November 8, 1988], 249 PHIL 49-63).

banc. Notwithstanding the filing of a motion for reconsideration of an interlocutory order before the Commission en banc, proceedings shall continue unless restrained by the Commission en banc. (*Emphasis supplied*)

.....

20. Corollary to the foregoing, our counsel has advised that the Supreme Court held in ***Cohon vs. Court of Appeals*** that a certificate of public convenience may be cancelled on the ground of violation of its provisions, to wit:

.....

It should be noted that the CPC covered the "M/V Young Lady" only. Said certificate was awarded exclusively for the operation of the vessel. Hence, when the said ship became unseaworthy due to engine trouble in December, 1983, private respondent had to abandon completely the service of the route covered by the CPC. **At that very moment, private respondent already committed a violation of No. 2 of the "Conditions" imposed under the Certificate.**

Condition No. 2 reads thus:

"Applicant shall not operate his motor vessels unless they are fit for public service and that before operating his motor vessel, applicant shall renew his Coastwise License within thirty (30) days from receipt of this decision and furnish copy thereof to the Board within thirty (30) days after renewal and every year thereafter. Failure of applicant to renew said license will be sufficient cause for the cancellation of the authority herein granted." (Rollo, p. 55)

It becomes evident that private respondent could not have renewed his Coastwise License in 1983 because the vessel "M/V Young Lady" was already grounded and hence, there was no more ship over which a license should be secured. This was a sufficient cause for the cancellation of the CPC.⁷ (*Emphasis supplied*)

.....

21. We were advised by our lawyers that with regard to our personality to commence this instant Complaint against the Corporation, the pertinent provision of the 2006 NTC Rules provides:

.....

Rule 2 – PARTIES

⁷ *Cohon v. Court of Appeals*, G.R. No. 83542, [August 20, 1990], 266 PHIL 793-802.

.....

Section 2. Complaint and Respondent. - **Any aggrieved person who files a complaint with the Commission shall be called the complainant** and the public service operator or party complained of shall be called respondent. (Emphasis supplied)

.....

22. According to our lawyers, **Merriam-Webster** defines the legal term “*aggrieved*” as **suffering from an infringement or denial of legal rights.**⁸

23. Upon the other hand, as explained by our lawyers, Black’s Law Dictionary defines “*aggrieved*” as **a person or entity having legal rights that are adversely affected or having been harmed by an infringement of legal rights**⁹, while an “*aggrieved party*” as a party entitled to a remedy; **a party whose personal, pecuniary or property rights have been adversely affected by another person’s actions** or by a court’s decree or judgment.¹⁰

24. Based on the definitions set forth in the immediately preceding paragraphs, our lawyers explained that **the complainant can be any person whose legal rights are denied or infringed by the acts or omissions of a public service operator** or party.

25. According to our lawyers, the Corporation as grantee of the franchise to operate SMNI, has the following duties, among others:

.....

Section 4. Responsibility to the Public.— The grantee shall provide, free of charge, adequate public service time which is reasonable and sufficient to enable the government, through the broadcasting stations or facilities of the grantee, to reach the pertinent populations or portions thereof, on important public issues and relay important public announcements and warnings concerning public emergencies and calamities, as necessity, urgency or law may require; **provide at all times sound and balanced programming**; promote public participation; assist in the functions of public information and education; **conform to the ethics of honest enterprise**; promote audience sensibility and empowerment including closed captioning;

⁸ <https://www.merriam-webster.com/dictionary/aggrieved>. Last accessed on 26 April 2022.

⁹ Garner, Black’s Law Dictionary, 8th Edition, page 73.

¹⁰ *Ibid.*, on page 1154.

and not use its stations or facilities for the broadcasting of obscene or indecent language, speech, act, or scene; or **for the dissemination of deliberately false information or willful misrepresentation, to the detriment of the public interest**; or to incite, encourage, or assist in subversive or treasonable acts.

Public service time referred herein shall be equivalent to a maximum aggregate of ten percent (10%) of the paid commercials or advertisements which shall be allocated based on the need of the Executive and Legislative branches, the Judiciary, Constitutional Commissions and international humanitarian organizations duly recognized by statutes: Provided, That the NTC shall increase the public service time in case of extreme emergency or calamity. The NTC shall issue rules and regulations for this purpose, the effectivity of which shall commence upon applicability with other similarly situated broadcast network franchise holders.¹¹ (*Emphases supplied*)

.....

26. Thus, our lawyers explained that **when SMNI made the broadcasts wherein it claimed that Robredo is allied with the CPP-NPA-NDF, it violated its responsibility to us and to the public, to which we are a part of, to PROVIDE AT ALL TIMES sound and balanced programming, conform to the ethics of honest enterprise and REFRAIN FROM USING its stations or facilities for the dissemination of deliberately false information or willful misrepresentation, to the detriment of the public interest, which INFRINGED OUR LEGAL RIGHTS** who watched or viewed said broadcasts as well as those of the public.

27. Considering the foregoing, our lawyers advised us that it is clear that by broadcasting the abovementioned claims, SMNI engaged in the dissemination of deliberately false information or willful misrepresentation, to the detriment of the public interest.

28. For doing this, SMNI violated its franchise and/or the Certificate of Public Convenience and Necessity issued to it by this Honorable Commission. Thus, this should be suspended, revoked or cancelled accordingly.

29. In addition, SMNI has failed to cut off from the air such videos considering that they have the tendency to propose or incite treason, rebellion or sedition as they have repeatedly stated that Robredo is allied with the CPP-NPA-NDF. The language used or the

¹¹ R.A. No. 11422.

theme of the broadcast is indecent or immoral because it accuses Robredo of being allied with the CPP-NPA-NDF without basis.

30. According to our lawyers, considering that SMNI and/or the Corporation has continuously aired, posted, broadcasted and/or made available for public viewing the interview, broadcasts or segments mentioned above, the same remain continuous sources of false news and/or information which are readily accessible to and viewed by the public which, if left unchecked or unprohibited, shall cause irreparable injury not only to us, as mothers of our abducted daughters, but to the general public who can access or have watched the same.

31. In relation thereto, our lawyers advised us that this Honorable Commission may issue a cease and desist order against SMNI and/or the Corporation during the pendency of this instant complaint, based on the following:

.....

Section 4. Issuance of Show Cause Order Complaints. - The Commission may, based on the report of the appropriate department/division/unit or any employee/personnel deputized by the Commission, the sworn statement of any offended party, or *motu proprio*, issue a show cause order which shall contain a statement of the particulars and matters which the Commission is inquiring and may call upon the respondent to appear and submit a verified answer to the complaint at a place and time therein stated and explain why no judgment or action shall be taken against the respondent. **Pending hearing and final consideration of the case, the Commission may, in the interest of public service, welfare and security of the state** and/or where the respondent does not have any authority from the Commission to install operate and maintain the service/facility, **upon motion or motu proprio issue a cease and desist order to a respondent.**¹² (emphases supplied)

.....

32. Based on the foregoing, our lawyers advised that a cease and desist order issued by this Honorable Commission against SMNI or the Corporation would address the continued public airing of the interview, broadcasts or segment complained of herein and thus, would prevent further injury to the viewing public and serve the higher interest of public service as well as the welfare and security of the State.

¹² Rule 10, Part III of the 2006 NTC Rules.

33. WHEREFORE, we are executing this Complaint and attest to the truth of the foregoing in order to commence a complaint against Suwara Sug Media Corporation for its violation of the franchise and/or Certificate of Public Convenience and Necessity issued in its favor and for the suspension or revocation of said Certificate of Public Convenience and Necessity. We likewise pray for the immediate issuance of a cease and desist order as provisional relief against SMNI and/or Suwara Sug Media Corporation to prevent the latter from airing and/or broadcasting the segments or claims and/or other segments or claims herein described herein or analogous and related thereto during the pendency of this Complaint. Other reliefs which are just and equitable under the premises are likewise prayed for.

NOTHING FOLLOWS.

City of Quezon, Metro Manila, 4 May 2022.

VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING

We, **CONCEPCION E. EMPENO**, Filipino, of legal age, widow and with address at 41 Purok 1, Brgy. Sta Rita, Masinloc, Zambales; **ERLINDA T. CADAPAN**, Filipino, of legal age, married and with address at #9309 Brgy. Batong Malaki, Los Baños, Laguna; and **CRISTINA PALABAY**, Filipino citizens, of legal age, after having been duly sworn in accordance with law, do hereby depose and state that:

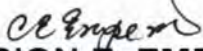
1. We are Co-Complainants in the foregoing Complaint for violation of the franchise and/or Certificate of Public Convenience and Necessity issued in its favor and for the suspension or revocation of said Certificate of Public Convenience and Necessity (Complaint) against **SWARA SUG MEDIA CORPORATION**;

2. We have caused the preparation of the foregoing Complaint, and that we have read and understood the contents thereof, which are true and correct of our personal knowledge and/or based on authentic records;

3. To the best of our knowledge, we have not commenced in our respective personal capacity any action or proceeding involving the same issues as set forth in the Complaint before the Supreme Court, the Court of Appeals, or any other tribunal or agency; and

4. Should we thereafter learn that any other similar action or proceeding has been filed or is pending resolution before the Supreme Court, the Court of Appeals, or any other court, tribunal or agency, we undertake to report such fact to this Honorable Commission within five (5) days.

Quezon City, Metro Manila, 4th day of May 2022.


CONCEPCION E. EMPENO
Co-Complainant


ERLINDA T. CADAPAN
Co-Complainant


CRISTINA PALABAY
Co-Complainant

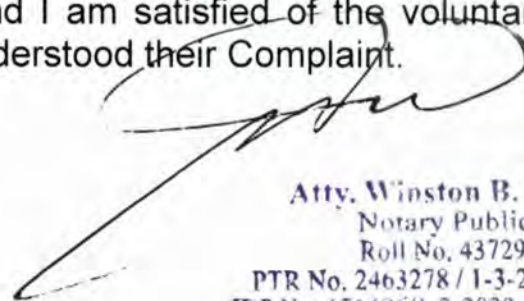
Republic of the Philippines)
Quezon City) S.S.
Metro Manila)

SUBSCRIBED AND SWORN to before me this 4th day of May 2022 in Quezon City, Co-Complainants having exhibited before me the following as competent proofs of their identities:

NAME	ID NUMBER	EXPIRY
Concepcion E. Empeno	JENIOR ID. NO. 3637	
Erlinda T. Cadapan	PHL. ID. NO. 3863-7854-8901-6732	
Cristina Palabay	UMID ID. No. 006-0041-5073-D	

I HEREBY CERTIFY that I have personally examined the hereby Co-Complainants and I am satisfied of the voluntariness by which they executed and understood their Complaint.

Doc. No. 476;
Page No. 86;
Book No. 11;
Series of 2022.



Atty. Winston B. Hipe
Notary Public
Roll No. 43729
PTR No. 2463278 / 1-3-2022, O. C.
IBP No. 171486/1-3-2022, Pasig City
Commission NP 034-02021-2022
Expires Dec. 31, 2022

VALID IDS OF THE COMPLAINANTS