

ACT GRANTING MORABE-DE GUZMAN AND COMPANY A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE PRIVATE RADIO STATIONS FOR RADIO COMMUNICATIONS FOR ITS DEEP-SEA FISHING INDUSTRY.

REPUBLIC ACT NO. 3789, June 22, 1963

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subject to the provisions of the Constitution, the firm Morabe-De Guzman and Company, its successors assigns, hereinafter referred to as "grantee," is hereby granted the franchise and privilege to install, construct, establish, maintain and operate, for purposes of radio communications for a fleet of fishing boats in its deep-sea fishing industry for commercial purposes, subject to the approval of the Secretary of Public Works and Communications, radio stations for the reception and transmission of messages to and from a private base and among its fishing boats only, otherwise as a private marine coastal station, to ships-at-sea radio telecommunications system, which may include corresponding relay stations as are or may be necessary, and that said messages shall be as presently made possible by way of radiotelegraph, radiotelephone, radio teletype or such other types of emissions as may, in the future, be made possible.

SEC. 2. A special right is reserved to the President of the Philippines in time of war, rebellion, public peril, calamity, disaster or disturbance of peace and order, to cause the closing of said stations or to authorize the temporary use and operation thereof by any department of the Government upon compensation to the grantee for the use of said stations during the period when they shall be so operated: Provided, That in the event the Government should desire to maintain and operate for itself any or all of the stations herein authorized, the grantee shall turn over such station or stations to the Government with all the serviceable equipment therein, at cost, less reasonable depreciation: Provided, further, That the President of the Philippines shall have power and authority to permit the construction of said stations or any of them on any land of the public domain upon such terms and conditions as he may prescribe.

SEC. 3. This franchise shall exist and continue while the deep-sea fishing industry continues to be in operation by the grantee, but in no case shall it be for more than a period of fifty years from the date the first of said stations shall be placed in operation and is granted upon the express condition that same shall be void unless the construction of said stations be begun and completed within two year from the date of the approval of this Act.

SEC. 4. This franchise shall not take effect nor shall any power thereunder be exercised by the grantee until the Secretary of Public Works and Communications shall have: (1) allotted to the grantee the frequencies and wave lengths to be used thereunder; (2) determined the stations to and from which each frequency or wave length may be used; and (3) issued to the grantee a license for such use.

SEC. 5. The franchise hereby granted shall be subject to amendments, alterations or repeal by the Congress of the Philippines when the public interest so requires.

SEC. 6. The grantee shall be liable (1) to pay the same taxes on its real estate, buildings, fishing boats and

personal property, exclusive of this franchise as other person or corporations are now, or hereafter may be required by law to pay, and shall further be liable (2) to pay all other taxes that may be imposed by the National Internal Revenue Code by reason of this franchise.

SEC. 7. Such provisions of Act Numbered Thirty-eight hundred and forty-six, entitled "An Act providing for the regulation of radio stations and radio communications in the Philippine Islands, and for other purposes;" and other laws as are applicable shall be applied to the radio stations herein authorized.

SEC. 8. As a condition of the granting of this franchise, the grantee shall execute a bond in favor of the Government of the Philippines, in the sum of ten thousand pesos, in form and with sureties satisfactory to the Secretary of Public Works and Communications, conditioned upon the faithful performance of the grantee's obligations hereunder during the first three years of the life of this franchise. If, after four years from the date of acceptance of this franchise in writing, the grantee shall have fulfilled said obligations or as soon thereafter as the grantee shall have fulfilled the same, the bond aforesaid shall be cancelled by the Secretary of Public Works and Communications.

SEC. 9. In the event of any competing individual, partnership or corporation receiving from Congress a similar franchise in which there shall be any term or terms more favorable than those herein granted or tending to place the herein grantee at any disadvantage, then such term or terms shall ipso facto become a part of the terms hereof and shall operate equally in favor of the grantee as in the case of said competing individual, partnership or corporation.

SEC. 10. 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 other commercial or legal entity, nor merge with any other company or corporation organized for the same purpose, without the previous approval of the Congress of the Philippines. Any corporation to which this franchise is sold, transferred or assigned, shall be subject to all the conditions, terms, restrictions and limitations of this franchise as fully and completely and to the same extent, as if the franchise had originally been granted to the said person, firm, company, corporation or other commercial or legal entity.

SEC. 11. Whenever this franchise uses the term "grantee," it shall be held and understood to mean Morabe-De Guzman and Company, its representatives, successors or assigns, unless the context indicates otherwise.

SEC. 12. This franchise shall not be interpreted to mean as an exclusive grant of the privileges herein provided for.

SEC. 13. This Act shall take effect upon its approval.

Approved, June 22, 1963.

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