

AN ACT GRANTING MR. ROSENDO MAGLASANG A FRANCHISE TO ESTABLISH RADIO STATIONS FOR DOMESTIC TELECOMMUNICATIONS.

REPUBLIC ACT NO. 3417, June 18, 1961

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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, as well as of Act Numbered Three thousand eight hundred and forty-six, entitled, "An Act providing for the regulations of radio stations and radio communications in the Philippine Islands, and for other purposes"; Act Numbered Three thousand nine hundred and ninety-seven, known as the Radio Broadcasting Law; Commonwealth Act Numbered One hundred forty-six, known as the Public Service Act, and their amendments, and other applicable laws, there is hereby granted to Mr. Rosendo Maglasang, residing at No. 18 Mirasol Street, Cebu City, hereinafter referred to as the "grantee," his successors or assigns, a franchise to construct, install, establish, maintain and operate in the Philippines, at such places as the grantee may select and the Secretary of Public Works and Communications may approve, or any licensing authority, commercial radiotelegraph and/or radiotelephone communication stations, radio broadcast paging, reception of foreign and domestic press stations, with the corresponding relay stations, in the inter-island, maritime, aeronautical and international public services, and stations in the broadcasting, television, radiophoto and facsimile services both national and/or international; to provide communication services and equipment to private firms, companies and corporations within their respective internal framework, and/or to communicate from within with grantee's station or stations in the network, public fixed land-based and land mobile stations.

SEC. 2. The President of the Philippines shall have the 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 continue for a period of twenty-five years from the date the first of said stations shall be placed in operation, and is granted upon the express condition that the same shall be void unless the construction of said stations be begun within two years from the date of the approval of this Act and be completed within four years from said date.

SEC. 4. (a) This franchise shall not take effect nor shall any powers thereunder be exercised by the grantee until the Secretary of Public Works and Communications shall have allotted to the grantee the frequencies and wave lengths to be used, and issued to the grantee a license for such use.

(b) The Secretary of Public Works and Communications, on reasonable notice to the grantee, may at any time change, or cancel, or notify, in whole or in part, any or all of the allotments of frequencies and wave lengths to be used. He may take such actions (1) whenever in his judgment such frequencies and wave lengths have been used, or there is danger that they will be used by the grantee to impair electrical communication, or stifle competition, to obtain a monopoly in electrical communication, or to secure unreasonable rates for such communication, or to violate otherwise the laws or public policy of the Republic of the Philippines; (2) whenever in his judgment the public interests of the Republic of the Philippines require that such frequencies or wave lengths should be used for other purposes than those of the grantee, either by the Government of the Philippines or by other individuals or

corporations licensed by it; and (3) whenever in his judgment, for any reason, the public interests of the Philippines so require.

SEC. 5. The stations of the grantee shall be so constructed and operated and the wave lengths so selected as to avoid interference with existing stations and to permit the expansion of the grantee's services.

SEC. 6. A special right is reserved to the President of the Philippines in time of war, rebellion, public peril, calamity, disaster or disturbance of peace or order to cause the closing of the said stations or to authorize the temporary use and operation thereof by any department of the Government upon payment of just compensation to the grantee for the use of said stations during the period when they shall be so operated.

SEC. 7. The grantee shall hold the national, provincial and municipal governments of the Philippines harmless from all claims, accounts, demands, or actions arising out of accidents or injuries, whether to property or to persons, caused by the construction or operation of the stations of the grantee.

SEC. 8. No private property shall be taken for any purpose by the grantee without proper condemnation proceedings and just compensation paid or tendered therefor, and any authority to take and occupy land contained herein shall not apply to the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which this franchise is granted.

SEC. 9. The grantee shall keep an account of the gross receipts of his business and shall furnish the Auditor General and the Treasurer of the Philippines a copy of such account not later than the thirty-first day of January of each year for the preceding year. All the books and accounts of the grantee pertaining to his business shall be subject to the official inspection of the Auditor General or his authorized representatives, and the audit and approval of such accounts shall be final and conclusive evidence as to the amount of said gross receipts, except that the grantee shall have the right to appeal to the courts of the Philippines, under the terms and conditions provided in the laws of the Philippines.

SEC. 10. The grantee, his successors or assigns shall be subject to the corporation laws of the Philippines now existing or hereafter enacted.

SEC. 11. The grantee shall file a bond in the amount of fifty thousand pesos to guaranty for the full compliance and fulfillment of the conditions under which this franchise is granted. If, after four years from the date of the approval of this Act, the grantee shall have fulfilled said conditions, or as soon thereafter the grantee shall have fulfilled the same, the bond aforesaid shall be cancelled by the Government.

SEC. 12. The grantee shall not lease, transfer, grant the usufruct of, sell or assign this franchise, or the rights or privileges acquired thereunder to any person, firm, company, corporation or other commercial or legal entity, nor merge with any other person, company, or corporation organized for the same purpose, without the approval of the Congress of the Philippines first had. Any corporation to which this franchise may be sold, transferred, or assigned shall be subject to the corporation laws of the Philippines now existing or hereafter enacted, and any person, firm, company, corporation or other commercial or legal entity to which this franchise is sold, transferred, or assigned shall be subject to all conditions terms, restrictions and limitations of this franchise as fully and completely and to the same extent as if the franchise had been originally granted to the said person, firm, company, corporation or other commercial or legal entity.

SEC. 13. In the event of any competing individual, partnership or corporation receiving from the 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. 14. (a) The grantee shall be liable to pay the same taxes on his real estate, buildings, and personal property, exclusive of the franchise, as other persons or corporations are now or hereafter may be required by law to pay.

(b) The grantee shall further pay to the Treasurer of the Philippines each year, within ten days after the audit and approval of the accounts as prescribed in this Act, one and one-half per centum of all gross receipts from the business transacted under this franchise by the said grantee.

SEC. 15. This franchise shall not be interpreted to mean an exclusive grant of the privileges herein provided for.

SEC. 16. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 18, 1961.

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