

AN ACT GRANTING MARIANO E. ZAFRA A FRANCHISE TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE RADIO STATIONS FOR DOMESTIC AND TRANSOCEANIC TELECOMMUNICATIONS WITHIN THE PHILIPPINES.

REPUBLIC ACT NO. 5108, June 17, 1967

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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 and the provisions of Act Numbered Three thousand 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". Commonwealth Act Numbered One hundred forty-six, known as the Public Service Act, and their amendments, and other applicable laws, there is granted to Mariano E. Zafra, his successors or assigns, and hereunder referred to as the "grantee," the right and privilege of constructing, installing, establishing and operating in the Philippines, for commercial purposes and in the public interest, at such places as Mariano E. Zafra may select and the Secretary of Public Works and Communications may approve, radio stations for the reception and transmission of mes-sages on radio stations in the foreign and domestic public fixed point-to-point and public base, aeronautical and land-mobile stations, including coastal marine service with the corresponding relay stations for the reception and transmission of wireless messages on radiotelegraph and/or radiotelephone, radioteletype, radiophoto, facsimile, music, pictures, advertisement and such other types of emission from or to foreign countries and within the Philippines and with vessels at sea and aircraft in the air, irrespective of whether such vessels and aircraft are within or without the Philippines; to provide radio communication services and equipment to private firms, companies and corporations within their respective internal framework and/or to communicate from within with the grantee's stations or stations; and the right and privilege, which shall continue to be in force during the time that the Government has not established similar service at the places selected by the grantee.

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 or order, to take over and operate the said stations or to authorize the temporary use and operation thereof by any department of the Government without compensating the grantee for the use of said stations during the period when they shall be so operated.

SEC. 3. 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 shallipso 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. 4. (a) The grantee shall be liable to pay the same taxes on its real estate, buildings and personal property, as other persons or corporations are or hereafter may be required by law to pay.

(b) The grantee shall further be liable to pay all other taxes that may be imposed by the National Internal Revenue Code by reason of this franchise.

SEC. 5. The grantee shall file a bond in the amount of fifty thousand pesos to guarantee the full compliance and fulfillment of the conditions under which this franchise is granted. If after six years from the date of the approval of this Act, the grantee shall have fulfilled such conditions, or as soon thereafter as the grantee shall have fulfilled the same, the bond aforesaid shall be cancelled by the Government.

SEC. 6. The grantee shall not sell, convey or otherwise transfer to any person, corporation, association or partnership this franchise without the previous approval of Congress.

SEC. 7. 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.

SEC. 8. That 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. 9. 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. 10. 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. 11. 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. 12. The grantee, his successors or assigns, shall be subject to the corporation laws of the Philippines now existing or hereafter enacted.

SEC. 13. (a) 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 allotted to the grantee the frequencies and wave lengths to be used thereunder and determined the stations to and from which each frequency and wave length may be used, and issued to the grantee a license for such use. The Secretary of Public Works and Communications, in allotting to the grantee the frequencies and wave lengths referred to above, shall give due regard to the Government's program of expanding its radio telecommunications, (b) The Secretary of Public Works and Communications, on reasonable notice to the grantee, may at any time change, or cancel, or modify, in whole or in part, any or all of the allotments of frequencies or wave lengths to be used. He may take such action: (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 communications, or stifle competition, or to obtain a monopoly in electrical communications or to secure unreasonable rates for such communications, or to violate otherwise the laws or public policy of the Philippine Republic; (2) whenever in his judgment the public interest 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 corporation licensed by it; and (3) whenever in his judgment, for any reason, the public interest of the Philippines so require.

SEC. 14. This franchise shall not be interpreted to mean as an exclusive grant of the privileges herein provided for.

SEC. 15. This franchise shall continue for a period of twenty-five years from the date the first of any of said stations shall be placed in operation, and is granted upon the express condition that same shall be void unless the construction of one station be begun within three years from the date of the approval of this Act and be completed within six years from said date.

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

Enacted without Executive approval, June 17, 1967.

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