AN ACT GRANTING ADELAIDA C. ZARAGOZA A FRANCHISE TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE PUBLIC RADIOTELEPHONE AND RADIOTELEGRAPH COASTAL STATIONS, AND PUBLIC FIXED AND PUBL...

REPUBLIC ACT NO. 5841, June 21, 1969

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

SECTION 1. There is hereby granted to Adelaida C. Zaragoza, her successors or assigns, and hereunder referred to as the "grantee", a franchise to construct, install, maintain and operate radio stations, in the Philippines not at present adequately served by radiotelegraph and/or radiotelephone systems, subject to the approval' of the Secretary of Public Works and Communications or any licensing authority, commercial radiotelegraph and/or radiotelephone communications stations, with corresponding relay stations in the interisland, maritime, aeronautical and international public services, and stations in the broadcasting, radiophoto, and facsimile services, both national and/or international to provide radio communication services and equipment to private firms and companies and corporations within their respective internal framework, and/or to communicate from within the grantee's station or stations.

SEC. 2. A special right is reserved to the President of the Philippines in time of war, rebellion, public peril, calamity, emergency, 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 upon due compensation to the grantee for the use of said stations during the period when they shall be so operated.

SEC. 3. 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. 4. This franchise is granted for a period of twenty-five years and upon the express condition that same shall be void unless the construction of two stations be completed within two years from the date of the approval of this Act.

SEC. 5. The grantee, her successors or assigns, shall so construct and operate her radio stations as not to interfere with the operation of other radio stations maintained and operated in the Philippines.

SEC. 6. No private property shall be taken for any purpose by the grantee of this franchise, her successors or assigns, without proper condemnation proceedings and just compensation paid or tendered therefore, and any authority to take and occupy land contained herein shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted. All lands or rights of use and occupation of lands granted to the grantee, her successors or assigns, shall, upon the termination of this franchise or upon its revocation or repeal, revert to the national, provincial, or municipal government to which such land or right to use and occupy belonged at the time of the grant hereof or the right to use and occupy the same was conceded to the grantee herein, her successors or assigns.

SEC. 7. The right is hereby reserved to the Government of the Philippines, thru the Public Service Commission or such other government agency as may hereafter be duly authorized, to fix the maximum rates or charges to be charged by the grantee.

SEC. 8. The grantee shall keep a separate account of the gross receipts of the business transacted by her in the Philippines and shall furnish the Auditor General and the Treasurer of the Philippines a copy each of such account not later than the thirty-first day of January of each year for the preceding year. For the purpose of auditing the accounts so rendered to the Auditor General and the National Treasurer, all the books and accounts of the grantee, or duplicate thereof, so far as they relate to the business transacted in the Philippines, shall be kept in the Philippines and shall be subject to the official inspection of the Auditor General or his authorized representatives, 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. 9. 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 fifty 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 three years from the date of the acceptance of this franchise, the grantee shall have fulfilled the same, the bond aforesaid shall be cancelled by the Secretary of Public Works and Communications.

Sec 10. Acceptance of this franchise shall be given in writing within six months after approval of this Act. When so accepted by the grantee and upon the approval of the bond aforesaid by the Secretary of Public Works and Communications the grantee shall be empowered to exercise the privileges granted thereby.

SEC. 11. The grantee shall not lease, transfer, grant the usufruct of, sell or assign this franchise, nor 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 previous approval of the Congress of the Philippines. 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. 12. This franchise shall be subject to amendment, alteration, or repeal by the Congress of the Philippines when the public interest so require and shall not be interpreted as an exclusive grant of the privileges herein provided for.

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

Enacted without Executive approval, June 21, 1969.

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