AN ACT GRANTING ROBERTO M. GAYA A FRANCHISE TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE PUBLIC RADIOTELEPHONE AND RADIO TELEGRAPH COASTAL STATIONS; AERONAUTICAL AND BROADCASTING...

REPUBLIC ACT No. 5158, 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. There is hereby granted and conceded to Roberto M. Gaya, his successors or assigns, and hereunder referred to as the "granted," a franchise to construct, install, maintain and operate subject to the approval of the Secretary of Public Works and Communications, public radiotelephone and radiotelegraph coastal stations; aeronautical and broadcasting and television stations: Provided, however, That with respect to television station, the same is limited only within the Bicol provinces; public fixed and public based and land mobile stations with, corresponding relay stations in the interisland, maritime, aeronautical and international public services and stations in be radiophoto and facsimile services, both national and/or international to provide radio communication services and equipment top private firms and companies and corporations within their respective in-ternal 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 station 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 the same shall be viod unless the construction of two stations be completed within two years from the date of the
approval of this Act.

SEC. 5. The grantee, his successors or assigns, shall cons-truct and operate his 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, his successors or assigns, without proper condemnation proceedings and just compensation paid or tendered therefor, and any authority to take and occupy land contained herein shall not autho-rize the taking, use or occupation of any land except such as 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, his 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 thereof or the right to use and occupy the

same was conceded to the grantee herein, his successors or assigns.

SEC. 7. The right is hereby reserved to the Government of the Philippines, through the Public Service Commission of 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 him in the Philippines 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. 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 duplicates 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 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. 9. As a condition of the granting of this franchise, the grantee shall execute a bond in favor of the Government of the Philippines n the sum of fifty thousand pesos, in the 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 franchise this 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 body 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 cor-poration 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 com-mercial 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 a 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 requires 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 17, 1967.

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