

AN ACT GRANTING ALBERTO T. LLORENTE AND SONS A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH AND OPERATE RADIO BROADCASTING AND TELEVISION STATIONS IN THE VISAYAS AND MINDANAO.

REPUBLIC ACT NO. 5255, June 15, 1968

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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 provisions not inconsistent herewith 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 hereby granted Alberto T. Llorente and Sons, his successors or assigns, the right and privilege of constructing, installing, establishing and operating in the Visayas and Mindanao, radio broadcasting and television stations.

SEC. 2. The President of the Philippines shall have the power and authority to permit 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 at least one station 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. This franchise shall not take effect nor shall any power thereon be exercised by the grantee until the Secretary of Public Works and Communications shall have allotted to the grantee the frequencies and the wave lengths to be used, and issued to the grantee a license for such use.

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

SEC. 6. After the grantee has been found guilty by' a competent court for violating the following rules: (1) For using its frequency or frequencies and wave lengths to impair electrical communications or to violate otherwise the laws of the Philippine Republic; (2) That, its frequencies or wave lengths are being used for other purpose other than those of the grantee or are being used against the public interest of the Republic of the Philippines, the Secretary of Public Works and Communications on reasonable notice to the grantee, may at any time change or modify the frequency allotted to such station or stations violating the rules and regulations aforementioned.

SEC. 7. A special right is reserved to the President of the Republic of the Philippines in time of war, rebel-ion, public peril, calamity, disaster or disturbance of peace and 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. 8. 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 of the grantee's stations.

SEC. 9. No private property shall be taken for any purpose by the grantee without proper condemnation proceedings and just compensation paid thereof or tendered therefor, and any authority to take or 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. 10. 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 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. 11. The grantee, his successors or assigns, shall be subject to the corporation laws of the Philippines now existing or hereafter enacted.

SEC. 12. The grantee shall file a surety bond in the amount of five thousand pesos to guaranty for the full compliance and fulfillment of the conditions under which this franchise is granted. If, after five years from the date of the approval of this Act, the grantee shall have fulfilled said conditions, or as soon thereafter as the grantee shall have fulfilled the same, the bond aforesaid shall be cancelled by the government.

SEC. 13. 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 or corporation or other commercial or legal entity, nor merge with any 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. 14. 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 individual, partnership or corporation.

SEC. 15. The grantee shall pay to the Treasurer of the Philippines each year, within ten days after audit and approval of the accounts as prescribed in this Act, one-half per centum of all gross receipts from the business transacted under this franchise by said grantee and said tax shall be in lieu of all taxes of any kind, nature, or description, levied, established or collected by any authority whatsoever, municipal, provincial, city or national now or in the future, on its buildings and equipment placed in, over and under all public or private property.

SEC. 16. This franchise shall not be interpreted to mean an exclusive grant of the privileges herein provided for.

SEC. 17. This Act shall take effect upon its approval.

Enacted without Executive approval, June 15, 1968.

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