

AN ACT GRANTING LOURDES E. GOZAR A FRANCHISE TO ESTABLISH, MAINTAIN AND OPERATE RADIO BROADCASTING STATIONS AND RADIO STATIONS FOR DOMESTIC AND INTERNATIONAL TELECOMMUNICATIONS.

REPUBLIC ACT NO. 4356, June 19, 1965

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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 hereby granted to Lourdes B. Gozar a franchise to establish, maintain and operate, in the Philippines and/or at such places as Lourdes B. Gozar may select, subject to the approval of the Secretary of Public Works and Communications, radio broadcasting stations and radio stations for domestic and international telecommunications for the reception and transmission of messages in the domestic and foreign public fixed point-to-point, public based, aeronautical and land mobile stations, including coastal marine service with the corresponding relay stations for the reception and transmission of wireless messages on radiotelegraphy and/or radiotelephony, radioteletype, radiophoto, facsimile, music, pictures, advertisements and such other types of emission from or to foreign countries and within the Philippines and with vessels at sea and aircrafts over the air, irrespective of whether such vessels and aircrafts are within or without the Philippines.

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

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 the first station be begun within two years from the date of the approval of this Act and completed within ten years from said date.

SEC. 4. (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. (b) The Secretary of Public Works and Communications, upon reasonable notice to the grantee, may at any time change or alter or cancel, in whole or in part, any or ali of the allotments of frequencies or wave lengths to be used. He may take such action: (1) when 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 communication or to secure unreasonable rates for such communications. or to violate otherwise the laws or public policy of the Philippine

Republic; and (2) whenever in his judgment the public interests so require that such frequencies or wave lengths 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.

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. 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. 7. 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 what is required for the actual necessary purposes for which this franchise is granted.

SEC. 8. The grantee shall keep an account of the gross receipts of her business and shall furnish the Auditor General and the Treasurer of the Philippines with 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 her 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 under the terms and conditions provided for in the laws of the Philippines.

SEC. 9. The grantee shall not lease, transfer, grant the usufruct of, or sell this franchise nor the rights and 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 obtaining prior 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. 10. The grantee 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 ten thousand pesos to guarantee 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 as the grantee shall have fulfilled the same, the bond aforesaid shall be cancelled.

SEC. 12. This franchise is likewise made upon the express condition that the grantee shall provide adequate public service time to enable the Government, through her stations, to reach the population on important issues; assist in the function of public information and education; conform to the ethics of honest enterprise, and shall not use her stations for the dissemination of deliberately false information or willful misrepresentation, or to the detriment of the public health and morals, or incite, encourage or assist in subversive or treasonable acts.

SEC. 13. The grantee shall not require any previous censorship of any speech, play, act, or scene or other matter to be broadcast from her stations; but if any speech, play, act or scene or other matter should constitute a violation of the law or infringement of a private right, the grantee shall be free from any liability, civil or criminal, for such

speech, play, act or scene or other matter: Provided, That the grantee, during any broadcast may cut off from the speech, play, act or scene or other matter being broadcast and/or telecast if the tendency thereof is to propose and/or incite treason, rebellion or sedition, or if the language used therein or the theme thereof is indecent or immoral.

SEC. 14. (a) The grantee shall be liable to pay the same taxes on her 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, five per centum of all gross receipts from the business transacted under this franchise by the said grantee.

SEC. 15. The franchise hereby granted shall be subject to amendment, alteration, or repeal by the Congress of the Philippines when the public interest so requires.

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

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

Approved, June 19, 1965.

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