

AN ACT AMENDING REPUBLIC ACT NUMBERED TWO THOUSAND THIRTY-SEVEN, AS AMENDED BY REPUBLIC ACT NUMBERED TWO THOUSAND THREE HUNDRED SEVENTY-THREE.

REPUBLIC ACT NO. 4387, 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. The transfer of the franchise granted to Ricardo P. Ocampo by Republic Act Numbered Two thousand thirty-seven, as amended by Republic Act Numbered Two thousand three hundred seventy-three, in favor of Capitol Wireless, Inc., together with all the rights and privileges appurtenant thereto, including those radio stations already established and operating under said Acts, and any channel and/or frequency assignments and permits that may have been granted to the former, is hereby authorized and approved, subject to the provisions of the Constitution as well as of all other relevant and applicable laws not inconsistent with this Act.

SEC. 2. Section one of Republic Act Numbered Two thousand thirty-seven, as amended, is further amended to read as follows:

"SECTION 1. (a) There is hereby granted and conceded to Mr. Ricardo P. Ocampo, residing at 140 C. Francisco, Makati, Rizal, Philippines, his successors or assigns, a franchise to construct, install, establish and operate in the Philippines and at such places as the grantee may select, subject to the approval of the Department Secretary under whose jurisdiction the Radio Control Division is functioning, or any competent authority who is or shall be authorized now or in the future to give said approval, stations for international telecommunications, public coastal radio stations with the corresponding relay stations, and public fixed and public based and land mobile stations and radio paging systems, for the reception and transmission of wireless messages on radiotelephony (voice) and/or radiotelegraphy, or both, within the Philippines and with vessels at sea and aircraft over the air, irrespective of whether such vessels and aircraft are within or without the Philippines.

"(b) For his own private use, the herein grantee is further granted the right and privilege to erect poles, string wires, build or install pipes and conduits, lay cables, and to construct, maintain and use such generally accepted means of electrical or telegraphic conduction necessary: Provided, however, That the above provision shall be without prejudice to the grantee's right to enter into negotiations with any individual, co-partnership, association, or corporation which is operating any local or national electric light and power and/or telephone system in any province, city, municipality, or municipal district for the right to use the poles or installations of such individual co-partnership, association or corporation in the province or provinces, city or cities, municipality or municipalities or municipal district or districts where they are respectively operating."

SEC. 3. Section twelve of the same Act is amended to read as follows:

"SEC. 12. 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 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. 4. Section thirteen of the same Act is amended to read as follows:

"SEC. 13. 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 privilege herein provided for.

"Any term or terms or authorized services more favorable than those herein granted, that in the past have been granted or might in the future be granted in a similar fashion or temporary permit by Congress to any competing person, natural or juridical, tending to place the herein grantee at any disadvantage, 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 competing person."

SEC. 5. The same Act is further amended by adding between Sections thirteen and fourteen thereof a new section which shall read as follows:

"SEC. 13-A. (a) The grantee shall be liable to pay the same taxes on its real estate, buildings, and personal property, exclusive of this franchise, as other persons or corporations are now or hereinafter 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, one and one-half per centum of all gross receipts for the business transacted in the Philippines under this franchise by the grantee."

SEC. 6. This Act shall take effect upon its approval.

Approved, June 19, 1965.

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