AN ACT GRANTING THE AGUSAN BROADCASTING COMPANY, INC., A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE RADIO BROADCASTING STATIONS IN THE PHILIPPINES.

REPUBLIC ACT NO. 3183, June 17, 1961

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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, as well as of Act Numbered Three thousand eight hundred forty-six, entitled "An Act providing for the regulation of radio stations and radio communications in the Philippine Islands, and for other purposes;" Act Numbered Three thousand nine hundred ninety-seven, known as the Radio Broadcasting Law; Commonwealth Act Numbered One hundred forty-six, known as the Public Service Act, and their amendments, and other applicable laws not inconsistent with this Act, the Agusan Broadcasting Company, Inc., is hereby granted a franchise to construct, maintain and operate for commercial purposes and in the public interest, radio broadcasting stations in the Philippines: Provided, That this franchise shall be void unless the construction of at least one radio broadcasting station be begun within two years from the date of approval of this Act, and be completed within four years from said date: Provided, further, That the grantee shall provide adequate public service time to enable the Government, through the said radio stations, to reach the population on important public issues; shall assist in the functions of public information and education; shall conform to the ethics of honest enterprise; and shall not use its stations for the broadcasting of obscene or indecent language or speech, or for the dissemination of deliberately false information or willful misrepresentation, or to the detriment of the public health, or to incite, encourage, or assist in subversive or treasonable acts.

SEC. 2. The grantee shall file a bond in the amount of fifty thousand pesos to guarantee for the full compliance and fulfillment of the conditions under which this franchise is granted.

SEC. 3. In the event of any competing individual, partnership or corporation receiving from the Congress of the Philippines 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 competing individual, partnership or corporation.

SEC. 4. (a) The grantee shall be liable to pay the same taxes on its 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 be liable to pay all other taxes that may be imposed by the National Internal Revenue Code by reason of this franchise.

SEC. 5. A special right is reserved to the President of the Philippines, in time of war, rebellion, public peril, emergency, calamity, disaster or disturbance of peace and order, to cause the closing of 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 it shall be so operated.

SEC. 6. In the event that the Government should desire to operate and maintain for itself any or all of the stations

herein authorized, the grantee shall turn over such station or stations to the Government with all the serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 7. The grantee shall not require any previous censorship of any speech, play or other matter to be broadcast from its stations; but if any such speech, play 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 or other matter: Provided, That the grantee, during any broadcast may cut off from the air the speech, play or other matter being broadcast if the tendency thereof is to propose and/or incite treason, rebellion or sedition, or the language used therein or the theme thereof is indecent or immoral.

SEC. 8. The grantee shall not lease, transfer, grant the usufruct of, sell or assign this franchise or the rights and privileges acquired thereunder to any person, firm, company, corporation or other commercial or legal entity, nor merge with any other company or corporation, organized for the same purpose, without the previous approval of the Congress of the Philippines. Any corporation to which this franchise is sold, transferred or assigned, shall be subject to all the 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. 9. Whenever in this franchise the term "grantee" is used, it shall be held and understood to mean "Agusan Broadcasting Company, Inc.," its representatives, successors or assigns, unless the context indicates otherwise.

SEC. 10. This franchise shall be subject to amendment, alteration, or repeal by the Congress of the Philippines when the public interest so requites, and shall not be interpreted as in exclusive grant of the privileges herein provided for.

SEC. 11. This Act shall take effect upon its approval.

Approved, June 17, 1961

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