

AN ACT GRANTING THE PHILIPPINE STANDARD PRODUCTS CO., INC., A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A RADIO BROADCASTING STATION IN MANILA, PHILIPPINES.

REPUBLIC ACT NO. 1121, June 15, 1954

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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 Services Act, and their amendments and other applicable laws, there is hereby granted to the Philippine Standard Products Co., Inc., hereinafter referred to as the "grantee" a franchise to construct, maintain and operate in Manila, Philippines and in such other places as may be selected by the grantee, subject to the approval of the Secretary of Public Works and Communications, a radio broadcasting station or stations: Provided, That the holder of the franchise herein granted shall start the operation thereof within two years from the approval of said franchise. Failure to comply with this requirement shall ipso facto cancel and void the franchise.

SEC. 2. This franchise shall continue for a period of twenty-five years, renewable upon expiration.

SEC. 3.

- This franchise shall not take effect nor shall any powers 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 such frequency and wave length may be used, and issued to the grantee a license for such use.
- The Secretary of Public Works and Communications, on reasonable notice to the grantee, may at any time change, or cancel, or modify, in whole or in part, any or all of the allotments of frequencies or wave lengths to be used. He may take such action: (1) whenever 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 communication, or stifle competition, or to obtain a monopoly in electrical communication, or to secure, unreasonable rates for such communication, or otherwise to violate the laws or public policy of the Republic of the Philippines; (2) whenever in his Judgment the public interests of the Philippines require that such frequencies or wave lengths should be used for r purposes than those of the grantee, either by the Government of the Philippines or by other individuals or corporations licensed by it; (3) whenever in his judgement for any reason the public interests of the Philippines so require.
- The Secretary of Public Works and Communications is authorized to appoint, employ or make use of such boards, commissions, or agents as in his discretion he may select, to investigate, and determine the facts upon which he may act as aforesaid, and such boards, commissions, or agents shall have the right by compulsory process of subpoena, to summon witnesses, administer oaths, and take evidence.

SEC. 4. The stations of the grantee shall be so constructed and operated as to effect a minimum of interference with the wave lengths selected with a view to avoiding interference with existing stations and to permit the expansion of the grantee's services.

SEC. 5. A special right is reserved to the Government of the Republic of the Philippines, in time of war, insurrection, or public disorder to take over and operate the said stations upon order and discretion of the President of the Philippines.

SEC. 6. The right is hereby reserved to the Government of the Philippines, through the Public Service Commission, or such other office as may be thereunto duly authorized, to fix the maximum and minimum rates to be charged by the grantee.

SEC. 7.

- The grantee shall be liable to pay the same taxes on its real estate, buildings, and personal property, exclusive of the temporary permit, as other persons or corporations are now or hereafter may be required by law to pay.

- The grantee shall further be liable to pay all other taxes under the National Internal Revenue Code by reason of this franchise.

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 or operation of the stations of grantee.

SEC. 9. No private property shall be taken for any use by the grantee without proper condemnation proceeding and just compensation paid or tendered therefore, and any authority to take and occupy land contained herein, shall not apply to the taking, use, or occupation of land except such as is required for the actual necessary purposes for which this franchise is granted.

SEC. 10. It shall be unlawful for the grantee to use, employ, or contract, for the labor of persons held in involuntary servitude.

SEC. 11. The franchise hereby granted shall be subject to amendment, alteration, or repeal by the Congress of the Philippines, and the right to use or occupy public property and places hereby granted shall revert to the respective governments, upon the termination of this temporary permit, by repeal or by forfeiture, or expiration in due course.

SEC. 12. As a condition of the granting of this franchise the grantee shall execute a bond in favor of the Government of the Philippines, in the sum of ten thousand pesos in form and with securities satisfactory to the Secretary of Public Works and Communications, conditioned upon the faithful performance of the grantee's obligations here-under during the first three years of the life of this franchise. If, after three years from the date of 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. 13. Acceptance of this franchise 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 bond aforesaid by the Secretary of Public Works and Communications the grantee shall be empowered to exercise the privileges granted thereby.

SEC. 14. The grantee shall not lease, transfer, grant the usufruct of, sell or assign this temporary permit nor the rights and privileges acquired thereunder to any person, firm, company, corporation or other commercial or legal entity, nor merge with any 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 which may hereafter be 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 the conditions, terms, restrictions, and limitations of this franchise as fully and completely and to the same extent as if the franchise has been originally granted to the said person, firm, company, corporation or other commercial or legal entity.

SEC. 15. This franchise shall not be interpreted to mean an exclusive grant of the privileges herein provided for.

SEC. 16. The grantee shall not require any previous censorship of any speech, play or other matter to be broadcast from its stations; but if any 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 shall 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, and willful failure to do so shall constitute a valid cause for the cancellation of this permit.

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

Approved, June 15, 1954.

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