

AN ACT GRANTING EXAMINER, INCORPORATED A FRANCHISE TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE RADIO BROADCASTING AND TELEVISION STATIONS IN THE PROVINCES OF LEYTE AND SAMAR.

REPUBLIC ACT NO. 5352, 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 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 to be the Public Service Act, and their amendments, and other applicable laws, there is granted Examiner, Incorporated, its successors or assigns, and hereunder referred to as the "grantee" the right and privilege of constructing, installing, establishing and operating in the Provinces of Leyte and Samar, for commercial purposes in the public interest, at those places as Examiner, Incorporated, may select and the Secretary of Public Works and Communications may approve, radio broadcasting and television stations in Leyte and Samar: Provided; That the grantee shall provide adequate public service time to enable the Government, through the said broadcasting and television stations, to reach the people 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 nations 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 public health, or to incite, encourage or assist in subversive or treasonable acts.

SEC. 2. A special right is reserved to the President of the Philippines in time of war, rebellion, public calamity, disaster or disturbance of peace and order, to take over and operate thereof, or by any department of the Government without compensating the grantee for the said stations during the period when they shall be so operated.

SEC. 3. In the event of any competing individual, partnership, or corporation receiving from the Congress 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 grants 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, 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. The grantee shall file a bond in the amount of fifty thousand pesos to guarantee the full compliance fulfillment of the conditions under which this franchise granted. If after six years from the date of approval this

Act, grantee shall have fulfilled such conditions, or as soon thereafter as the grantee shall have fulfilled the same, the bond aforesaid shall be cancelled by the Government.

SEC. 6. The grantee shall not sell, convey, or otherwise transfer to any person, corporation, association or partnership this franchise without previous approval of the Congress.

SEC. 7. In the event the Government should desire to maintain and operate for itself any or all of the stations 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. 8. The President of the Philippines shall have the power and authority to permit the 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. 9. 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. 10. 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. 11. No private property shall be taken for any purpose by the grantee without proper condemnation proceedings and just compensation paid or tendered therefor, any authority to take and 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. 12. The grantee, its successors or assigns, shall be subject to the corporation laws of the Philippines now existing or hereafter enacted.

SEC. 13. (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 and channels to be used thereunder and determined the stations to and from which 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 in allotting to the grantee the frequency and wave lengths and channels referred to above, shall give due regard to the government's program of expanding its radio telecommunications, and on reasonable notice to the grantee may at any time change, 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 communications or stifle competition, or to obtain a monopoly in electrical communications or to secure unreasonable rates for such communications, or to violate otherwise the laws or public policy of the Philippine Republic;

(2) Whenever in his judgment the public interests of the Republic of the Philippines require that such frequencies or wave lengths should 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; and

(3) Whenever in his judgment, for any reason, the public interest of the Philippines so require.

SEC. 14. This franchise shall not be interpreted as to mean an exclusive grant of the privileges herein provided for.

SEC. 15. This franchise shall continue for a period of twenty-five years from the date the first of any of said stations shall be placed in operation, and is granted upon the express condition that same shall be void unless the

construction of one station be begun within two years from the date of the approval of this Act and be completed within six years from said date.

SEC. 16. This Act shall take effect upon its approval.

Enacted without Executive approval, June 15, 1968.

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