

AN ACT GRANTING PHILEX MINING CORPORATION A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE FIXED POINT-TO-POINT COASTAL, AERONAUTICAL, LAND BASED AND LAND MOBILE RADIO STATIONS FO...

REPUBLIC ACT NO. 5280, 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, the Philex Mining Corporation is hereby granted a franchise to operate all points radio stations, and particularly, point-to-point radio stations, from Manila to Padcal, Benguet; Poro Point, San Fernando, La Union; and to such other places wherein it operates its business, and conducts its mining activities and related works, and between each of these points to one another, as well as from car to car, sea to shore or shore to sea, as well as coastal, aeronautical, land based and land mobile radio stations for the reception and transmission of wireless messages on radiotelegraphy or radiotelephony, each station to be provided with radio transmitting apparatus and radio receiving apparatus; and to maintain land mobile service within the points specified herein, which shall continue in force during the time that the Government has not established similar service at the places selected by the grantee; to construct, maintain and operate the aforementioned coastal, aeronautical, land based and land mobile, and point-to-point stations in the Philippines: Provided, That this franchise shall be void unless the construction of at least one point-to-point radio station be begun within two years from the date of ap-proval of this Act, and be completed within four years from said date.

SEC. 2. Such provisions of Act Numbered Thirty-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 and forty-six, known as the Public Service Act, and their amendments, as are applicable to radio stations shall be applied, as far as practicable, to the radio stations referred to in Section one.

SEC. 3. The grantee, its successors or assigns, shall not engage in domestic public telecommunications business in the Philippines, it being understood that the purpose of this franchise is to grant the grantee the right to construct, install, maintain and operate its radio stations herein granted at the places above-mentioned for the primary purpose of promoting and protecting the business and other interests of the grantee.

SEC. 4. No fees shall be charged by the grantee, and the radio stations that may be established by virtue of this Act shall be used exclusively in communications regarding the grantee's business interest: Provided, however, That the grantee may allow affiliate, allied or associated com-panies to use any of its facilities on a non-profit basis.

SEC. 5. The grantee shall file a bond in the amount of fifty thousand pesos to guarantee full compliance and ful-fillment of the conditions under which this franchise is granted.

SEC. 6. The grantee, its successors or assigns, is authorized to operate its radio stations herein granted in the very low frequency, low frequency, medium frequency high frequency, very high frequency, ultra high frequency,

super high frequency and extreme high frequency that shall be assigned to it by the Secretary of Public Works and Communications, or by the proper licensing authority.

SEC. 7. The grantee shall so construct and operate its radio stations as not to interfere with the operation of other radio stations maintained and operated in the Philippines.

SEC. 8. The grantee, its successors or assigns, shall be subject to the corporation laws of the Philippines now existing or hereafter enacted.

SEC. 9. The grantee shall hold the national, provincial, city 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 grantee's radio stations.

SEC. 10. (a) The grantee shall 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 pay all other taxes that may be imposed by the National Internal Revenue Code by reason of this franchise.

SEC. 11. A special right is hereby reserved to the President of the Philippines in time of war, insurrection, public peril, calamity or disaster to cause the closing of the grantee's radio stations or to authorize the temporary use or possession thereof by any department of the Government upon the payment of just compensation.

SEC. 12. In the event of any individual, partnership or corporation receiving from the Congress 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 of said competing individual, partnership, or corporation.

SEC. 13. This Act shall take effect upon its approval.

Enacted without Executive approval, June 15, 1968.

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