

AN ACT GRANTING TO THE GLOBE-MACKAY CABLE AND RADIO CORPORATION, A PHILIPPINE CORPORATION, A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE IN THE PHILIPPINES COMMUNICATIONS SYSTE...

BATAS PAMBANSA BLG. 95, December 24, 1980

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Be it enacted by the Batasang Pambansa in session assembled:

SECTION 1. There is hereby granted to Globe-Mackay Cable and Radio Corporation, a Philippine corporation, its successors and assigns, hereinafter referred to as the Grantee, the right and privilege of constructing, maintaining and operating communications systems by radio, wire, cable, satellites, and any other means now known to science or which in the future may be developed for the reception and transmission of telecommunications between any point in the Philippines to points exterior thereto, including airplanes, airships or any type of vessels, even though such airplanes, airships or any type of vessel be located within the territorial limits of the Philippines, and the receiving of messages from such exterior points.

SEC. 2. Subject to the limitations and procedures prescribed by law, the Grantee is authorized to exercise the right of eminent domain, insofar as may be reasonably necessary to further the establishment and efficient maintenance and operation of its communications systems and connecting them one to another, and, with prior approval of the Minister of Transportation and Communications, the Grantee is authorized to construct and maintain its works of public utility and service over and across public properties of the Philippines.

SEC. 3. Unless earlier terminated by repeal or forfeiture, the franchise and rights hereby granted shall terminate upon expiration of fifty years from the approval of this Act, but in no case to extend beyond the corporate life of the Grantee.

SEC. 4. For the purpose of carrying out the privilege granted herein, the Grantee may establish stations in such places in the Philippines as the Grantee may select, subject to the approval of the Minister of Transportation and Communications. The Grantee may likewise avail of or utilize, through purchase, lease or other forms of arrangement with third parties, any other kinds or means of communications systems now known to science or which in the future may be developed.

SEC. 5. With the exception of the privilege granted herein, all communications between points or stations within the Philippines are expressly reserved to the Government or to communications carriers authorized to engage in domestic service.

SEC. 6. The Minister of Transportation and Communications through the National Telecommunications Commission shall have the power to allot to the Grantee the frequencies to be used thereunder, and determine the stations to and from which each such frequency may be used, and issue to the Grantee a license for such use.

The National Telecommunications Commission, upon 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 to be used, under any of the

following conditions:

- Whenever, in its judgment, such frequencies may have been used, or there is danger that they may 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 otherwise to violate the laws or public policy of the Philippines.

- Whenever, in its judgment, for any reason public interest so requires.

The Grantee who may be aggrieved by the change, cancellation, or modification of a frequency may, within fifteen days from receipt of such order, file a motion for reconsideration with the National Telecommunications Commission, and upon denial thereof may within thirty days from receipt of such denial, file an appeal from such action in accordance with existing laws.

The National Telecommunications Commission may appoint, employ or make use of government boards, commissions or agents to investigate, and determine the facts upon which it may act as aforesaid, and such boards, commissions and agents shall have the power, by compulsory process of subpoena, to summon witnesses, administer oaths, and take evidence. For purposes of rate setting, the National Telecommunications Commission shall appoint the Commission on Audit to make the inspection of the accounts of the Grantee, and the report of the Commission on Audit shall be conclusive evidence of the findings therein, except that this may be contested when any appeal is made to the courts from any decision of the National Telecommunications Commission based thereon.

SEC. 7. The National Telecommunications Commission is hereby given jurisdiction, supervision, regulation and control over all the facilities, operations, and the rates which the Grantee may charge the public, except in rate cases where international commitments are made or adhered to by the Republic of the Philippines.

SEC. 8. The Bureau of Internal Revenue shall have exclusive jurisdiction over tax matters, and it shall be furnished a copy of the accounts of gross receipts of the business transacted by the Grantee and shall have access at all times to books and accounts of the Grantee or duplicates thereof for the purpose of examining, verifying, assessing, and collecting franchise and other internal revenue taxes. For this purpose, the term "gross receipts" means the gross revenue from sources within and without the Philippines derived from the franchised activities under this Act, less proportionate amounts of the gross receipts belonging to connecting lines or stations.

SEC. 9. In consideration of the franchise and rights hereby granted, the Grantee shall pay to the Commissioner of Internal Revenue during the life of the franchise a tax of five percent of the gross receipts derived by the Grantee from its operation under this franchise. Such tax shall be due and payable quarterly in accordance with Section 193 (a) of the National Internal Revenue Code and shall be in lieu of income tax.

SEC. 10. 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 station for reception and transmission of messages of the Grantee.

SEC. 11. No private property shall be taken for any purpose by the Grantee of this franchise without proper condemnation proceedings and just compensation paid or tendered therefor, and 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 franchise hereby granted shall be subject to amendment, alteration, or repeal by the appropriate

legislative authority, and the rights to use and occupy public property and places hereby granted shall revert to the Government, including permanent improvements on such public property and places, upon the termination of this franchise by such repeal or by forfeiture or expiration in due course.

SEC. 13. The Grantee shall not lease, transfer, grant the usufruct of, sell or assign this franchise, including the rights and privileges acquired thereunder, to any person, firm, company, corporation or other company or corporation organized for the same purpose, without the approval of the appropriate legislative authority.

SEC. 14. The term "National Telecommunications Commission", as herein used, means the Commission created under Executive Order No. 546 or any other governmental body as may from time to time be constituted, or hereafter created in place of or in succession to said National Telecommunications Commission.

SEC. 15. This franchise shall not be interpreted to mean an authorization to engage in domestic communications services or in international or domestic public long distance telephone services.

This franchise shall be subject to revocation, amendment, revision or such other future legislation rationalizing and standardizing all franchises.

SEC. 16. Act No. 3513 as amended and Republic Act No. 4630 are hereby repealed; and all laws inconsistent with this Act are accordingly modified or repealed, insofar as the Grantee herein is concerned. If any part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect the remainder thereof, but shall be confined in its operation to such part directly involved in the controversy in which such judgment shall have been rendered.

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

Approved, December 24, 1980.

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