

ALLOWING RADIO BROADCASTING AND TELEVISION STATIONS TO IMPORT RADIO OR TELEVISION EQUIPMENT, SPARE PARTS AND ALLIED TECHNICAL AND PROGRAM MATERIALS TO BE USED EXCLUSIVELY IN THE...

PRESIDENTIAL DECREE NO. 1362, March 27, 1978

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WHEREAS, broadcasting is one of the most effective means for dissemination of information;

WHEREAS, the implementation of many government projects is facilitated through the use of broadcast media;

WHEREAS, the contribution of the broadcast media to national development effort could be greatly enhanced by developing the capability of the broadcast industry as a whole;

WHEREAS, there is a need to upgrade the facilities of the broadcast media;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree:

SECTION 1. Any provision of law to the contrary notwithstanding, the Department of Public Information may enter into a contract or contracts with any radio broadcasting or television station authorized to operate in the Philippines for the use by the Government of the radio or television time and/or other facilities of the latter upon such terms and conditions as may be just and equitable under the circumstances.

SEC. 2. On the basis of the approved contract or contracts, the radio broadcasting or television station concerned may, upon compliance with the requirements provided for herein, be allowed to import and remove from Customs custody radio or television equipment, spare parts and allied technical and program materials which are directly and actually needed and will be used exclusively by the said importer in their broadcast operation without prepayment of customs duty and compensating tax: Provided, However, That this privilege shall not be granted if the imported articles are locally produced and are available in sufficient quantity and comparable quality and price as certified by the National Economic and Development Authority.

SEC. 3. The value of the radio or television time or other facilities used by the Government pursuant to the contract herein authorized shall be credited in favor of the private radio or television station concerned and set off against whatever customs duty and compensating tax said station should have paid but did not, on account of the privilege herein granted conditionally exempting it from the prepayment of customs duties and taxes.

SEC. 4. A radio broadcasting or television station desiring to avail of the privilege provided for in this decree shall, before importing the articles, file an application with the Secretary of Finance for authority to avail of such privilege, which shall be accompanied by a certification of the manager or officer-in-charge of the station concerned that the equipment, spare parts and/or allied technical and program materials to be imported by the station are necessary in its broadcast operations and will be used exclusively by the said station, and by such other relevant documents as may be prescribed by regulations.

SEC. 5. Upon being satisfied that the importer of the articles is entitled to the privilege provided for in this decree, the Secretary of Finance shall authorized the Commissioner of Customs to release the imported articles without the prepayment of customs duty and compensating tax due thereon. However, before releasing the articles from Customs custody, the Commissioner of Customs shall determine the customs duty and compensating tax due on the imported articles and issue an assessment-letter to the station concerned, informing it of the amount due from it as customs duty and compensating tax, which shall be paid in the manner provided for in his decree.

SEC. 6. The customs duty and compensating tax due on the imported articles released from Customs custody without prepayment thereof shall constitute a lien on the imported articles so released, and said articles shall not be disposed of unless the customs duty and compensating tax due thereon have been paid in full in accordance with the provision of this decree and such disposition has been approved by the Secretary of Finance.

SEC. 7. The Secretary of Finance shall prescribe such rules and regulations as may be necessary for the proper implementation of this decree.

SEC. 8. This decree shall take effect upon its approval.

Done in the City of Manila, this 27th day of March, in the year of Our Lord, Nineteen Hundred and Seventy-eight.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JACOBO C. CLAVE
Presidential Executive Assistant

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