

AN ACT GRANTING JORGE D. BAYONA A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE IN THE PROVINCE OF ALBAY AN AUDIOPHONIC SYSTEM FOR THE BROADCASTING OF MUSICAL AND LITERARY PROGRA...

REPUBLIC ACT NO. 2938, June 19, 1960

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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 this Act, there is hereby granted to Jorge D. Bayona a franchise to construct, maintain and operate in the Province of Albay an audiophonic system for the broadcasting of musical and literary programs, including news and advertisements, to any part of said province, through wires, for a period of twenty-five years from the approval of this Act. The broadcasting station of the grantee shall be located in the City of Legazpi, same province.

SEC. 2. The subscribers to the said station shall be provided by the grantee, free of charge, with a loud-speaker each, upon deposit of a reasonable amount to answer for the cost thereof in case of loss or destruction imputable to the subscriber, the deposit to be refunded to the latter upon termination of the subscription and of the loudspeaker in good condition: Provided, all expenses for the installation of the loudspeaker and for the repair of any defect thereof or damage thereto not willfully caused by the subscriber shall be shouldered by the grantee.

SEC. 3. The right is hereby reserved to the Government of the Philippines, through the Public Service Commission or such other government agency as may hereafter be duly authorized, to fix the maximum rates or charges to be collected by the grantee.

SEC. 4. Subject to rules and regulations to be promulgated by the Secretary of Public Works and Communications, the grantee is authorized to erect poles on public thoroughfares and other public places for the laying of the necessary wires between his station and the houses of his subscribers.

SEC. 5. This franchise is granted upon the express condition that the same shall be void unless the construction of the audiophonic system of the grantee shall be begun within two years from the date of approval of this Act and be completed within three years from said date.

SEC. 6. A special right is hereby reserved to the President of the Philippines, in time of war, insurrection, public peril or other national emergency and when public safety requires, to cause the closing of the station of the grantee, or to authorize the use or possession thereof by any department of the Government without compensating the grantee for the use of said station during the continuance of the national emergency.

SEC. 7. In the event of any competing 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 in the case of said competing individual, partnership or corporation.

SEC. 8. The grantee shall hold the National and the provincial and municipal governments 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 audiophonic system of the grantee.

SEC. 9. The grantee shall keep an account of the gross receipts of the business transacted by him and shall furnish the Auditor General and the National Treasurer a copy of such account not later than the thirty-first day of January of each year for the preceding year. For the purpose of auditing the accounts rendered to the Auditor General and the National Treasurer, all the books and accounts of the grantee, or duplicates thereof, shall be subject to the official inspection of the Auditor General or his authorized representatives, and the audit and approval of such accounts by said officers shall be final and conclusive evidence as to the amount of said gross receipts, except that the grantee shall have the right to appeal to the courts under the terms and conditions provided by law.

SEC. 10. The grantee shall be liable to pay the same taxes on his real property, buildings, machinery and personal property 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 imposable under the National Internal Revenue Code by reason of this franchise.

SEC. 11. The grantee shall not require any previous censorship of any speech, play, or other matter to be broadcast from his station; but if any such 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, may cut off from the wire 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 therein or the theme thereof is indecent or immoral.

SEC. 12. The grantee shall provide adequate public service to enable the Government, through his broadcasting station, to reach the population 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 his station 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 the public health, or to incite, encourage, or assist in subversive or treasonable acts.

SEC. 13. The grantee shall not lease, transfer, grant the usufruct of, sell or assign this franchise, nor the rights and privileges acquired thereunder to any person, firm, company, corporation or other commercial or legal entity nor merge his business with that of any other person, company or corporation organized for the same purpose without the previous approval of the Congress of the Philippines. 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 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. 14. Wherever in this Act the term "grantee" is used, it shall be held and understood to mean and represent Jorge D. Bayona, his representatives, successors or assigns.

SEC. 15. This franchise shall be subject to amendment, alteration or repeal by the Congress of the Philippines when the public interest so requires, and shall not be interpreted to mean an exclusive grant of the privileges herein provided for.

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

Enacted without Executive approval, June 19,1960.

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