

AN ACT GRANTING TO THE EASTERN EXTENSION AUSTRALASIA AND CHINA TELEGRAPH COMPANY LIMITED; AND ITS PERMITTED ASSIGNS, A FRANCHISE TO LAND, CONSTRUCT, MAINTAIN, AND OPERATE AT MA...

REPUBLIC ACT NO. 808, June 21, 1952

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. There is hereby granted to "The Eastern Extension Australasia and China Telegraph Co. Ltd." its successors and assigns, hereinafter referred to as the "Grantee", a franchise to land, construct, maintain and operate at Manila, Philippines, at such places as the said Grantee may select, subject to the approval of the Secretary of Public Works and Communications, a submarine cable connecting with Hongkong, together with a cable house and station for the transmission and reception of submarine telegraph cable messages for the following purposes:

The sending of telegraph messages by submarine cable from Manila to points exterior to the Philippines, and the receiving at Manila of telegraph messages from such exterior points by submarine cable.

SEC. 2. Subject to the limitations and procedure prescribed by law, the Grantee is authorized to acquire by way of lease only such property as may be actually necessary for the establishment and efficient maintenance and operation of its cable and station, and, with the prior approval of the President of the Republic of the Philippines, to construct and maintain its Works and service over and across streets and foreshore lands of the Philippines.

SEC. 3. A special right is reserved to the Government of the Philippines, in time of war, insurrection, or domestic trouble, to take over and operate the said cable and station upon the order and direction of the President of the Philippines, the Philippine Government paying to the Grantee the net proceeds of the operation of said cable and station during the period when they shall be so operated by the said Government.

SEC. 4. The rates to be charged by the Grantee for telegraph messages transmitting the aforesaid cable shall be reasonable and shall be established in conformity with the provisions of the International Telecommunication Convention (Atlantic City 1947) and of the Telegraph Regulations (Cairo 1938) and any subsequent revisions thereof.

SEC. 5. The business of the Grantee shall be conducted in conformity with the provisions of the aforesaid International Telecommunication Convention and Regulations.

SEC. 6. The Grantee is authorized to undertake the collection at its own offices in Manila of submarine telegraph cable messages handed in by the public for transmission over its cable, and to deliver direct to the public all submarine telegraph cable messages received over its cable destined to Manila.

For the convenience of the public, collection and delivery may also be effected by means of the telephone or other means conducive to the efficient handling of traffic.

SEC. 7. The Grantee shall keep a separate account of the gross earnings from submarine telegraph cable messages originating in the Philippines, and shall furnish to the General Auditing Office, or its successor 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 accounts so rendered, all of the books and accounts of the Grantee, or duplicates thereof, so far as they relate to submarine telegraph cable messages originating in the Philippines, shall be kept in the Philippines, and shall be subject to the official inspection of the Auditor General or his authorized representatives, and the audit and approval of such accounts shall be final and conclusive evidence as to the amount of said gross earnings, except that the Grantee shall have the right to appeal to the courts¹ of the Philippines under the terms and conditions provided in the laws of the Philippines.

SEC. 8. In consideration of the franchise and rights hereby granted, the Grantee shall pay to the Republic of the Philippines during the life of this franchise a tax of five per cent of the gross earnings derived by the Grantee from its operation under this franchise and which originate in the Philippines. Such tax shall be due and payable annually, within ten (10) days after the audit and approval of the accounts as prescribed in section seven of this Act, and shall be in lieu of all taxes of any kind, nature or description, levied, established or collected by any municipal, provincial or Republic authority except that the Grantee shall pay the tax on its real property in conformity with existing law.

SEC. 9. 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 cable and station for transmission and reception of submarine telegraph cable messages of the Grantee.

SEC. 10. The Grantee shall be subject to the corporation laws of the Philippines now existing or hereafter enacted.

SEC. 11. It shall be unlawful for the Grantee to use, employ, or contract for the labor of persons held in involuntary servitude.

SEC. 12. The franchise hereby granted shall be subject to amendment, alteration, or repeal by the Congress of the Philippines, and the rights to use and occupy public property and places hereby granted shall revert to the Government, upon the termination of this franchise, by such repeal, or by forfeiture or expiration in due course.

Unless earlier terminated by any such repeal or forfeiture, or extended, the franchise and rights hereby granted shall terminate by expiration of time fifty years after the date of the acceptance of this Act by the Grantee.

SEC. 13. As a condition of the granting of this franchise the Grantee shall execute a bond in favor of the Government of the Philippines, in the sum of fifty thousand pesos, in a form and with sureties satisfactory to the Secretary of Public Works and Communications, conditioned upon the faithful performance of the Grantee's obligations hereunder during the first three years of the life of this franchise. If, after three years from date of acceptance of this franchise, the Grantee shall have fulfilled said obligations or so soon thereafter as the Grantee shall have fulfilled the same, the bond aforesaid shall be cancelled by the Secretary of Public Works and Communications.

SEC. 14. Acceptance of this franchise shall be given in writing within six months after approval of this Act. When so accepted by the Grantee and upon the approval of the bond aforesaid by the Secretary of Public Works and Communications, the Grantee shall be empowered to exercise the privileges granted hereby.

SEC. 15. 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 with any other company or corporation organized for the same purpose, without the approval of the

Philippine Congress first had. Any corporation to which this franchise may be sold, transferred, or assigned shall be subject to the corporation laws of the Philippines now existing or hereafter enacted, and 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 the conditions, terms, restrictions and limitations of this franchise as fully and completely and to the same extent as if the franchise had been originally granted to the said person, firm, company, corporation or other commercial or legal entity.

SEC. 16. This franchise shall not be interpreted to mean an exclusive grant of the privileges herein provided for.

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

Approved, June 21, 1952.

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