AN ACT GRANTING SOUTHERN LEYTE ENTERPRISES, INC. A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE RADIO STATIONS IN THE PROVINCE OF SOUTHERN LEYTE.

REPUBLIC ACT NO. 5800, June 21, 1969

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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 as well as of Act Numbered Three thousand eight hundred forty-six, entitled "An Act providing for the regulation of radio stations and radio communications in the Philippine Islands, and for other purposes", Act Numbered Three thousand nine hundred ninety-seven, known as the Radio Broadcasting Law; Commonwealth Act Numbered One hundred forty-six, known as the Public Service Act, and their amendments, and other applicable laws, not inconsistent with this Act, Southern Leyte Enterprises, Inc. is hereby granted a franchise to construct, maintain and operate radio broadcasting stations in the Province of Southern Leyte for educational, scientific, cultural and commercial purposes and in the public interest.

SEC. 2. This franchise shall continue for a period of twenty-five years from the date the said stations shall be put in operation, and is granted upon the express condition that the same shall be void unless the construction of at least one radio broadcasting station be begun within one year from the date of approval of this Act and be completed within two years from said date.

SEC. 3. This franchise is likewise made upon the express condition that the grantee shall provide adequate public service time to enable the Government, through said stations, to reach the population on important issues; shall assist in the functions of public information and education; shall conform to the ethics of honest enterprise; and shall not use its stations for the dissemination of deliberately false information or willful misrepresentation, or to the detriment of the public health and morals, or to incite, encourage or assist in subversive or treasonable acts.

SEC. 4. The grantee's radio broadcasting stations shall not be put in actual operation until the Secretary of Public Works and Communications shall have allotted to the grantee the frequencies and wave lengths to be used under this franchise and issued to the grantee license for such use.

SEC. 5. The radio broadcasting stations of the grantee shall be so constructed and operated and the wave lengths so selected as to avoid interference with existing radio stations and to permit the expansion of the grantee's services.

SEC. 6. A special right is reserved to the President of the Philippines in time of war, rebellion, public peril, calamity, disaster or disturbances of peace and order to cause the closing of said stations or to authorize the temporary use and operation thereof by any department of the government without compensating the grantee for the use of said stations during the period when they shall be so operated.

SEC. 7. The grantee shall be liable to pay the same taxes unless exempted therefrom, on its real estate, building and personal property, exclusive of the franchise, as other persons or corporations are now or may hereafter be required by law to pay. It shall be liable further to pay all other taxes as provided in the National Internal Revenue

Code by reason of this franchise.

SEC. 8. Acceptance of this franchise shall be given in writing by the grantee within six months after the approval of this Act. When so accepted, the grantee shall be empowered to exercise the privileges granted thereby.

SEC. 9. The grantee shall file a bond in the amount of ten thousand pesos to guarantee the full compliance and fulfillment of the conditions under which this franchise is granted. If after two years from the date of acceptance of this franchise, the grantee shall have fulfilled said conditions, or as 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. 10. The grantee shall not require any previous censorship of any speech, play, act or scene or other matter to be broadcast from its stations; but if any such speech, play, act or scene 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, act or scene or other matter: Provided, That the grantee, during any broadcast may cut off from the air the speech, play, act or scene or other matter being broadcast if the tendency thereof is to propose and/or incite treason, rebellion or sedition, or the language used therein or the theme thereof is indecent or immoral.

SEC. 11. 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 purposes, without the approval of the Congress of the Philippines 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 conditions, terms, restrictions and limitations of this franchise as fully and as 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. 12. The franchise hereby granted shall be subject to amendment, alteration or repeal by the Congress of the Philippines when public interest so requires, and shall not be interpreted as an exclusive grant of the privileges herein provided for.

SEC. 13. In consideration of this franchise the grantee shall pay a tax equivalent to five per centum of its gross income.

SEC. 14. This Act shall take effect upon its approval.

Enacted without Executive approval, June 21, 1969.

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