

AN ACT GRANTING THE CENTRAL PHILIPPINES WIRECASTING SYSTEM THE RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, INSTALL AND MAINTAIN A WIRECAST SYSTEM WITHIN THE PHILIPPINES, AND FO...

REPUBLIC ACT NO. 2935, 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 conditions established in this act and the provisions of Act Numbered Thirty-one hundred and eight, as amended, there is hereby granted to the Central Philippines Wirecasting System, hereinafter own as the grantee, its successors or assigns, a corporation duly organized under the laws of the Philippines and domiciled in the City of Manila, for a period of fifty years from the approval of this Act, the right, privilege and authority to construct, install and maintain a wirecast system in the Philippines or in any province, city, municipality or municipal district thereof, for the purpose of transmitting, furnishing and disseminating musical and all other kinds of similar cultural and recreational information. For this purpose, the grantee shall likewise have the right and privilege to install, lay and maintain in, along, under and over all municipal, city, provincial or national public or patrimonial property, including streets, highways, roads, thoroughfares, bridges and public squares within the Philippines, or in any province, city, municipality or municipal district thereof, all necessary apparatus, installations and appurtenances for the transmission, furnishing and dissemination of such musical and all other kinds of similar cultural and recreational information, and to supply, sell and furnish the same to any individual, co-partnership, private, public or quasi-public associations, corporations, or joint-stock companies, within the Philippines ox1 In any province, city, municipality or municipal district thereof, for national, provincial, municipal or domestic, social, cultural or for any use to which said musical and other similar cultural or recreational information may be put, and to charge and collect a schedule of prices and rates as follows: a minimum of eight pesos and a maximum of twelve pesos per month per receiving set installed and serviced by the grantee for any person, co-partnership, private, public or quasi-public associations, corporations or joint-stock companies.

SEC. 2. The grantee is likewise hereby granted the right and privilege to erect poles, string wires, build or install pipes and conduits, lay cables, and to construct, maintain and use such generally accepted means of electric conduction necessary for the exercise of the rights and privileges herein granted: Provided, however, That the above provision shall be without prejudice to the grantee's right to enter into negotiations with any individual, co-partnership, association or corporation which is operating any local or national electric light and power and/or telephone system in any province, city, municipality or municipal district for the right to use the poles or installations of such individual, co-partnership, association or corporation in the province or provinces, city or cities, municipality or municipalities or municipal district or districts where they are respectively operating.

SEC. 3. The grantee hereby agrees to compensate any and all municipalities, cities, municipal districts or provinces concerned, including the national government, for any damage to their property by reason of the construction or installation to be made by it in their respective territories under this franchise, or for any neglect or

omission to keep its poles, cables, pipes or conduits or other installations in a proper or safe manner, and to be responsible for any damage to individuals, co-partnerships, private, public or quasi-public associations, corporations or joint-stock companies, arising out of such fault, neglect, or omission.

SEC. 4. All apparatus and appurtenances to be used by the grantee, its successors or assigns, shall be modern, safe, and first class and all wires shall be carefully connected, fastened and insulated. Any and all poles, cables, pipes or conduits shall be placed in such places designated by the respective municipal, city or provincial authorities concerned calculated as not to endanger public safety and convenience: Provided, That such designation shall be by the Secretary of Public Works and Communications if the place be a national public or patrimonial property. The poles erected by the grantee shall be of such height as to maintain the wires stretched on the same at a distance of at least fifteen feet above the level of the ground, and] shall be of such appearance as not to disfigure the streets and other public improvements, and shall be placed With due regard to the public safety.

SEC. 5. Whenever it shall become necessary in the erection of its poles to take up any portion of the side or other materials which may have been placed, taken or of the public streets or thoroughfares, the grantee shall, after said poles shall have been erected, replace without delay said sidewalks and other property in a proper manner, removing from the same all rubbish, dirt, refuse, or other materials which may have been placed, taken or dug up thereon in and during the process of the erection of such poles, leaving all such sidewalks in as good condition as before the work was done.

SEC. 6. The grantee shall not commence any construction nor exercise the rights and privileges herein granted without first communicating its acceptance and conformity to the terms and conditions of this franchise to, and making a deposit in an amount of one thousand pesos in cash or in negotiable bonds approved by the Central Bank of the Philippines, with the Treasurer of the Philippines. The said deposit shall stand as earnest of good faith on the part of the grantee and as a guarantee that it shall commence operation in any city, municipality or municipal district in the Philippines in a substantial manner within a period of twelve months from the date of the approval of this Act, and the Treasurer of the Philippines shall invest the same in interest-earning securities: Provided, That if within a period of five years after the approval of this Act, the grantee shall not have commenced operation in any city, municipality or municipal district, then any person, association or corporation with a franchise to conduct a business similar to that of the grantee may operate and furnish to said city, municipality or municipal district the service offered by the grantee. Six months after the grantee shall have commenced operation in any one municipal district, municipality or city, the said deposit shall be returned to the grantee, together with whatever interests it had earned.

Should the grantee fail to communicate its acceptance of the terms and conditions of this franchise as provided in this section, within a period of one hundred and eighty days from the approval of this Act, then this franchise shall be deemed ipso facto abandoned and forfeited.

SEC. 7. In consideration of the franchise hereby granted, the grantee shall pay unto the respective municipal or city treasury in which it is operating, a tax equal to one-half of one per cent of the gross earnings it derives from its operations under this franchise in each of said municipality or city, for the first thirty years of operation, and for the remaining twenty years an amount equivalent to one per centum of its said gross earnings. Said tax shall be due and payable quarterly and shall be in lieu of any and all taxes of any kind, nature, or description, levied, established or collected by any authority whatsoever, municipal, provincial, city or national, now or in the future, on its buildings, poles, wires, insulators, transformers and structures, installations, conductors, and accessories, placed in and over and under all public or private property, including public or private streets, bridges and public squares, and on its franchise, rights, privileges, receipts, revenues and profits, for which taxes the grantee is hereby expressly exempted.

For purposes of the tax herein imposed, the grantee shall keep separate records and books of accounts for any and all income it derives from its operations in each municipal district, municipality and city, and such records and books of accounts shall be open for inspection by the Collector of Internal Revenue or his agents within a period of five years from their entry or dates of transaction. Such records and books of accounts shall be prepared in triplicate, the original of which shall be kept by the grantee, the duplicate to be forwarded to the Collector of Internal Revenue through the respective municipal or city treasurers concerned, and the triplicate to be forwarded to the Auditor General for audit and file purposes.

SEC. 8. The municipalities and/or cities concerned shall have the privilege, without compensation, for and during the time the wires of the grantee are maintained on its poles in their respective territories, of using the said poles of the grantee for the purpose of installing, maintaining and operating police telephone and fire-alarm systems, but the wires of such police telephone and fire-alarm systems shall be placed and stretched in such manner as to cause no interference with or damage to the wires of the grantee. The municipality or city which makes use of the aforesaid privilege shall be liable to the grantee for any damage or liability arising from the installation, maintenance and operation of said police telephone and fire-alarm systems.

SEC. 9. The grantee may sell, lease, grant, convey, assign, give in usufruct, or transfer this franchise and all property and rights acquired thereunder to any individual, co-partnership, corporation or joint-stock company competent to operate the business hereby authorized under the provisions of the Constitution, as well as under the provisions of Act Numbered Fourteen hundred and fifty-nine, as amended: Provided, however, That any such sale, lease, grant, conveyance, assignment, gift in usufruct, or transfer shall not be effective unless and until the vendee, lessee, grantee, assignee, donee or transferee shall have communicated his/its acceptance and made the deposit as provided in Section six of this Act, in which letter of acceptance of said vendee, lessee, grantee, assignee, donee or transferee shall state that it shall be firmly bound to comply with all the terms and conditions imposed upon the grantee by this franchise.

SEC. 10. In the event of any competing individual, association of persons, or corporations receiving a franchise or permission from the Government of the Philippines to conduct a similar business in all or any substantial portion of the territory covered by this franchise, to that of the grantee, in which franchise or permit there shall be any terms or conditions more favorable than those herein granted or tending to place the herein grantee at a disadvantage, then such terms or conditions shall ipso facto become part of this franchise and shall operate equally in favor of the grantee as in the case of said competing individual, association of persons, or corporations.

SEC. 11. At any time after thirty years from the date of approval of this Act or in cases of national emergency when the public safety so requires, in the event that the Government should desire to maintain and operate for itself any or all of the stations herein authorized, the grantee shall turn over such station or stations to the Government with all the serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 12. The grantee shall not require any previous censorship of speech, play, act or scene or other matter to be wirecast 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 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 wirecast, may cut off the speech, play, act or scene or other matter being wire-cast, 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. 13. This franchise is granted with the understanding and upon the condition that it shall be subject to I amendment, alteration, or repeal by Congress.

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

Enacted without Executive approval, June 19, 1960.

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