

REPUBLIC ACT NO. 8025

AN ACT GRANTING THE GOLDEN BROADCAST PROFESSIONAL, INC., A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A STATION FOR FM RADIO AND TELEVISION BROADCASTING IN THE ISLAND OF MINDANAO

*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, Act Numbered Thirty-eight hundred and forty-six, entitled "An Act Providing for the Regulation of Radio Stations and Communications in the Philippine Islands, and for Other Purposes," Act Numbered Thirty-nine hundred and ninety-seven known as the Radio Broadcasting Law, and Commonwealth Act Numbered One hundred and forty-six known as the Public Service Act, and their amendments, the Golden Broadcast Professional, Inc., hereinafter referred to as the "grantee," is hereby granted a franchise for a period of twenty-five (25) years from the approval of this Act, to construct, maintain and operate for commercial purposes and in the public interest, a station for FM radio and television broadcasting in the island of Mindanao, Republic of the Philippines, at such place as the grantee may select and the National Telecommunications Commission may approve.

SEC. 2. The grantee shall file a bond in the amount of Fifty thousand pesos (P50,000) to guarantee the full compliance and fulfillment of the conditions under which this franchise is granted. If after four (4) years from the date of the approval of this Act, the grantee shall have fulfilled said conditions, or soon thereafter, the aforesaid bond shall be cancelled by the Philippine Government, otherwise, it shall be forfeited in favor of the State.

SEC. 3. A special right is hereby reserved to the President of the Philippines, in times of war, rebellion, public peril, calamity,

emergency, disaster or disturbance of peace and order, to take over and operate the said station or to authorize the temporary use and operation thereof by any department of the government upon due compensation to the grantee for the use of said station during the period when they shall be so operated.

SEC. 4. The President of the Philippines shall have the power and authority to permit the construction of said station upon such terms and conditions as he may prescribe.

SEC. 5. In the event of any individual, partnership or corporation receiving from the Congress of the Philippines a similar franchise in which there shall be any term more favorable than that granted herein or tending to place the herein grantee at any disadvantage, then such term or terms shall *ipso facto* form 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. 6. The grantee shall not require any prior censorship in any speech, play or other matter to be broadcast from its station: *Provided*, That the grantee, during any broadcast, may cut off from the air 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 used therein or the theme thereof is indecent or immoral and willful failure to do so shall constitute a valid cause for the cancellation of this franchise.

SEC. 7. (a) The franchise shall not take effect nor shall any power thereunder be exercised by the grantee until the National Telecommunications Commission shall have allotted to the grantee the frequencies, wavelengths and channels to be used thereunder, have determined the stations to and from which frequency and wavelength may be used, and have issued to the grantee a license for such use.

(b) The National Telecommunications Commission on reasonable notice to the grantee, may at any time change or modify, in whole or in part, any or all of the allotments of frequencies or wavelengths to be used. It may take such actions whenever in its judgment:

(1) Such frequencies and wavelengths have been used, or there is danger that they will be used by the grantee to impair or stifle competition, or to obtain a monopoly in electrical communication, or to secure unreasonable rates for such communications, or to violate otherwise the laws of public policy of the Republic of the Philippines.

(2) The public interests require that such frequencies and wavelengths should be used for purposes other than those of the grantee, either by the government of the Republic of the Philippines or by other individuals or other corporations licensed by it; and

(3) For any reason, the public interest so requires.

SEC. 8. The grantee shall hold the national, provincial, city and municipal governments of the Republic of the Philippines free from all claims, accounts, demands or actions arising out of accidents or injuries, whether to property or persons, caused by the construction or operation of the station of the grantee.

SEC. 9. No private property shall be taken for any purpose by the grantee without proper condemnation proceeding and just compensation paid and tendered therefor, and any authority to take and occupy land contained herein shall not apply to the taking, use or actual and necessary purpose, for which the franchise is granted.

SEC. 10. The grantee shall not lease, transfer, grant the usufruct of, sell or assign this franchise or the rights and privileges acquired thereunder to any person, firm, company, corporation or other legal entity nor merge with any other company or corporation organized for the same purpose, without the previous approval of the Congress of the Philippines. 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 Act 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. 11. This Act shall take effect upon its approval.

Lapsed into law on May 25, 1995 without the President's signature, pursuant to Sec. 27(1), Article VI of the Constitution.