

[**REPUBLIC ACT NO. 8004, April 27, 1995**]

AN ACT GRANTING TO MILLENNIA TELECOMMUNICATIONS CORPORATION A FRANCHISE TO INSTALL, OPERATE AND MAINTAIN TELECOMMUNICATIONS SERVICES WITHIN THE PHILIPPINES AND INTERNATIONAL POINTS, AND FOR OTHER PURPOSES

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 the Constitution and the provisions of laws, orders or issuances not inconsistent herewith, there is hereby granted to Millennia Telecommunications Corporation, its successors or assigns the right, privilege, and authority to construct, operate and maintain all types of mobile telecommunications including cellular, personal communications network, paging and trunk radio services (such as but not limited to the transmission and reception of voice, data facsimile, audio and video, and all other improvements and innovations pertaining to or as may be applicable to mobile telecommunications technology), as well as multi-channel microwave, fiber optic and satellite distribution systems that may be required for purposes of linking together said mobile telecommunications network internally and externally to other mobile telecommunications network and traditional wireline telephone systems whether domestic or international, whether directly or indirectly through networks, and generally, to provide, by means of this telecommunications systems, a telephone service and such other telecommunications services such as there may be in demand for in the Philippines.

SEC. 2. The President of the Philippines in times of war, rebellion, public peril, calamity, emergency, disaster or disturbance of peace may take over and operate the transmitting, receiving, and switching stations of the grantee or to authorize the temporary use and operation thereof by any department of the Government upon the compensation to the grantee for the use of said stations during the period when they shall be so operated.

SEC. 3. The grantee may install, operate and maintain radio telecommunications systems to provide a telephone service and other telecommunications services including mobile services within the territory of the Republic of the Philippines and between the Republic of the Philippines and ships at sea, aircraft in the air, and the telecommunications systems of other countries: *Provided*, That the location, installation or operation of any such radio telecommunication system must be previously approved by the National Telecommunications Commission (NTC): *Provided, further*, That the National Telecommunications Commission shall have the authority to supervise and regulate the installation or operation of such radio telecommunication system.

SEC. 4. For the purpose of installing, operating and maintaining its telecommunication lines, it shall be lawful for the grantee, its successors or assigns, to make excavations or lay conduits in any of the public places, highways, streets, lanes, alleys, avenues, sidewalks, bridges of said provinces, cities, and municipalities: *Provided, however,* That any public place, highways, street, lane, alley, avenue, sidewalk or bridge disturbed, altered or changed by reason of the installation, operation and maintenance of said telecommunications lines underground shall be repaired and replaced in a workmanlike manner by said grantee, its successors or assigns to the satisfaction of the National Telecommunications Commission. Should the grantee, its successors or assigns, after thirty (30) days notice from proper authority, fail, refuse, or neglect to repair or replace any part of a public place, road, highway, street, lane, alley, avenue, sidewalk or bridge altered, changed, or disturbed by said grantee, its successors or assigns, then they shall have the right to have the same repaired and placed in good order and condition at the cost and expense of the grantee, its successors and assigns.

SEC. 5. This franchise shall be for a term of twenty-five (25) years from the date of effectivity of this Act, unless sooner revoked or cancelled. In the event that the grantee fails to operate continuously for two (2) years, this franchise shall be deemed ipso facto revoked.

SEC. 6. Acceptance of this franchise shall be given in writing within sixty (60) days after the approval of this Act. The grantee shall operate the telecommunications systems for which this franchise is granted within four (4) years from the date of its acceptance in writing of this franchise. Refusal or failure to accept the franchise or to operate within the prescribed period shall render the franchise void.

SEC. 7. All telecommunications systems owned, operated or maintained by the grantee, its successors or assigns, shall be operated and maintained at all times in a satisfactory manner, and it shall be the further duty of said grantee, its successors or assigns, whenever required to do so by the National Telecommunications Commission, to modify, improve and change such telecommunication systems, in such manner and to such extent as the progress of science and improvements in the method of conveyance of telecommunications messages by means of said systems may make reasonable, proper and economically feasible.

SEC. 8. The grantee, its successors or assigns, shall keep a separate account of the gross receipts of the telecommunications service business transacted by it and shall furnish to the Commission on Audit and the National Treasurer a copy of such account not later than the thirty-first of January of each year for the preceding twelve (12) months.

SEC. 9. The grantee shall not exercise any right or privilege under this franchise without first having obtained such certificate of public necessity and convenience from the National Telecommunications Commission. This franchise shall not take effect nor shall any power be exercised by the grantee until the National Telecommunications Commission shall have allotted to the grantee the frequencies and wavelengths to be used and determined the stations to and from which each frequency and wavelength may be used, and issued to the grantee a license for such use.