

**[ REPUBLIC ACT NO. 5362, June 15, 1968 ]**

**AN ACT GRANTING BELLO M. CASANOVA A FRANCHISE TO  
CONSTRUCT, MAINTAIN AND OPERATE RADIO BROADCASTING  
STATIONS AND RADIO STATIONS FOR DOMESTIC  
TELECOMMUNICATIONS**

*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 and the provisions 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," Commonwealth Act Numbered One hundred forty-six, known, as the Public Service Act, and their amendments, and other applicable laws, there is hereinafter granted to Bello M. Casanova, his successors or assigns, and hereunder referred to as the "grantee," the right and privilege of constructing, installing, establishing and operating from Davao City, Cagayan de Oro City, the Municipality of Malaybalay, Province of Bukidnon and/or at such other places within the Philippines, as Bello M. Casanova may select and the Secretary of Public Works and Communications may approve, radio broadcasting stations and radio stations for the reception and transmission of messages on radio stations in the domestic public fixed point-to-point and public base, aeronautical and land mobile stations, including coastal marine service with the corresponding relay stations for the reception and transmission of wireless messages on radiotelegraphy and/or radiotelephony, radioteletype, radiophoto, facsimile, music, pictures, advertisement and such other types of emission within the Philippines and with vessels at sea and aircrafts over the air, irrespective of whether such vessels and aircrafts are within or without the Philippines.

SEC. 2. A special right is reserved to the President of the Philippines in time of war, rebellion, public peril, calamity, disaster or disturbance of peace or order, to take over and operate the 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. 3. The President of the Philippines shall have the power and authority to permit the construction of said stations or any of them on any land of the public domain upon such terms and conditions as he may prescribe.

SEC. 4. This franchise shall continue for a period of twenty-five years from the date the first of said stations shall be placed in operation and is granted upon the express condition that the same shall be void unless the construction of said station be begun within two years from the date of the approval of this Act and be completed

within ten years from said date.

SEC. 5. (a) This franchise shall not take effect nor shall any power thereunder be exercised by the grant until the Secretary of Public Works and Communication shall have allotted to the grantee the frequencies and wave lengths to be used thereunder and determined the stations to and from which each frequency and wave length may be used, and issued to the grantee a license for such use. (b) The Secretary of Public Works and Communications, on reasonable notice to the grantee, may at any time change, or cancel, or modify, in whole or in part, any or all of the allotments of frequencies or wave lengths to be used. He may take such action: (1) whenever in his judgment such frequencies and wave lengths have been used, or there is danger that they will be used by the grantee to impair electrical communications, or stifle competition or to secure unreasonable rates for such communication, or to violate otherwise the laws or public policy of the Philippine Republic; (2) whenever in his judgment the public interests of the Republic Philippines requires that such frequencies or wave lengths should be used for other purposes than, those of the grantee, either by the Government of the Philippines or by other individuals or corporations licensed by it; and (3) whenever in his judgment, for any reason, the public interests of the Philippines so require.

SEC. 6. The stations of the grantee shall be so constructed and operated and the wave lengths so selected as to avoid interference with existing stations and to permit the expansion of the grantee's services.

SEC. 7. 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 stations of the grantee.

SEC. 8. No private property shall be taken for any purpose by the grantee without proper condemnation proceedings and just compensation paid or tendered therefore, and any authority to take and occupy land contained herein shall not apply to the taking, use, or occupation any land except such as is required for the actual necessary purposes for which this franchise is granted.

SEC. 9. The grantee shall keep an account of the gross receipts of its business and shall furnish the Auditor General and the Treasurer of the Philippines with a copy of such account not later than the thirty-first day of January of each year for the preceding year. All the books and accounts of the grantee pertaining to his business 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 receipts that the grantee shall have the right to appeal to the courts under the terms and conditions provided in the laws of the Philippines.

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, company, corporation or other commercial or legal entity nor merge with any other person, company or corporation organized for the same purpose 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