

[REPUBLIC ACT NO. 4630, June 19, 1965]

AN ACT AMENDING ACT NUMBERED THIRTY-FOUR HUNDRED NINETY-FIVE, AS AMENDED, GRANTING GLOBE WIRELESS, LIMITED, OF THE PHILIPPINES, A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE IN THE PHILIPPINES STATIONS FOR THE RECEPTION AND TRANSMISSION OF WIRELESS MESSAGES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Act Numbered Thirty-four hundred ninety-five granting Robert Dollar Company a franchise to construct, maintain, and operate in the Philippines stations for the reception and transmission of wireless long distance messages, as amended, which franchise was later transferred and conveyed to Globe Wireless Limited, pursuant to Act Numbered Forty-one hundred fifty, is further amended by striking out therefrom all of the provisions thereof and substituting therefor the following:

"SECTION 1. There is hereby granted to Globe Wireless, Limited, a Philippine corporation to be renamed Globe-Mackay Cable and Radio Corporation, hereinafter referred to as the grantee, the right and privilege of constructing, maintaining and operating communication systems by radio, wire, satellites, and other means now known to science or which in the future may be developed for the reception and transmission of telecommunications between any point in the Philippines to points exterior thereto, including airplanes, airships, or vessels, even though such airplanes, airships or vessels may be located within the territorial limits of the Philippines.

"SEC. 2. Subject to the limitations and procedure prescribed by law, the grantee is authorized to exercise the right of eminent domain insofar as may be reasonably necessary to further the establishment and efficient maintenance and operation of its communication systems, and with the prior approval of the Secretary of Public Works and Communications, the grantee is authorized to construct, maintain its works of public utility and service over and across public property of the Philippines, including streets, highways, squares and reservations, and other similar property of the government of the Philippines and its branches.

"SEC. 3. For the purpose of carrying out the privilege granted herein, the grantee may establish stations in such places in the Philippines as the grantee may select and the Secretary of Public Works and Communications may approve. The grantee may likewise avail of, or utilize, through purchase, lease, or other forms of arrangement with third parties, any other kinds or means of communications systems now known to science or which in the future may be developed.

"SEC. 4. (a) The Secretary of Public Works and Communications shall have the power to allot to the grantee the frequencies and wave lengths to be used thereunder, and determine the stations to and from which each such frequency and wave length may be used, and issue 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 obtain a monopoly in electrical communication, or to secure unreasonable rates for such communication, or otherwise to violate the laws or public policy of the Philippines; (2) whenever in his judgment, the public interests of the Philippines require 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; (3) whenever in his judgment for any reason the public interests of the Philippines so require.

"(c) The Secretary of Public Works and Communications is authorized to appoint, employ or make use of such boards, commissions or agents as in his discretion he may select, to investigate, and determine the facts upon which he may act as aforesaid, and such boards, commissions and agents shall have the right, by compulsory process of *subpoena*, to summon witnesses, administer oaths, and take evidence.

"SEC. 5. The Public Service Commission is hereby given jurisdiction over the grantee only with respect to the rates which the grantee may charge the public, subject to international commitment made or adhered to by the Republic of the Philippines.

"SEC. 6. A special right is reserved to the government of the Republic of the Philippines, in time of war, insurrection, or domestic trouble, to take over and operate the said stations upon the order and direction of any authorized department of the government of the Philippines, such department to compensate the grantee for the use of said stations during the period when they shall be so operated by the said government.

"SEC. 7. The grantee shall keep a separate account of the gross receipts of the business transacted by it in the Philippines, and shall furnish the Auditor General and the Treasurer of the Philippines a copy of such account not later than the thirty-first day of January of each year for the preceding year. For the purpose of auditing accounts so rendered to the Auditor General and National Treasurer all the books and accounts of the grantee, or duplicate thereof, so far as they relate to the business transacted in the Philippines, shall be kept in the Philippines, and shall be subject to the official inspection of the Auditor General or his authorized representatives, and the audit approval of such accounts shall be final