

LEGISLATIVE ENACTMENT

APPENDIX A

AN ACT PROVIDING FOR THE REGULATION OF PUBLIC AND RADIO COMMUNICATIONS IN THE PHILIPPINES AND FOR OTHER PURPOSES.

(Act No. 3846, as amended)

Section 1. No person, firm, company, association, or corporation shall construct, install, establish, or operate a radio transmitting station, or a radio receiving station used for commercial purposes, or a radio broadcasting station, without having first obtained a franchise therefore from the Congress of the Philippines:

Provided, however, That no franchise from the Congress of the Philippines shall be necessary for the construction, installation, establishment, or operation of an amateur station, an experimental station, a training station, a station on board a mobile vessel, a train, or aircraft, or a private station in a place so outlying and so remote as to afford no public communication system with the outside world: Provided, further, That radio broadcasting stations established and operating at the time of the approval of this Act without the franchise herein required shall be exempt from obtaining such franchise.

Unless otherwise specified, 'station' or 'radio station' as used in this Act shall refer to a radio transmitting station and its receiving equipment, a radio receiving station used for commercial purposes, or a radio broadcasting station. (As amended by Com Act No. 365 and by Com. Act No. 571, approved June 17, 1940.)

Sec. 1-A. No person, firm, company, association or corporation shall possess or own transmitters or transceivers (combination transmitter-receiver), without registering the same with the Secretary of Public Works and Communications, nor sell or transfer the same to another without prior approval, and no person, firm, company, association or corporation shall construct or manufacture, or purchase radio transmitters or transceivers without a permit issued by the Secretary of Public Works and Communications. (As amended by Act No. 584, approved Sept. 18, 1950.)

Sec. 2. The Construction or installation of any stations shall not be begun unless a permit therefore has been granted by the Secretary of Commerce and Industry. No station, shall be operated except under and in accordance with the provisions of a license issued therefore by the Secretary of Commerce and Industry. The license shall state the dates between which the stations may be operated. If a renewal is desired, the licensee shall submit applications to the Secretary of Commerce and Industry at least two months before the expiration date of the license to be renewed. The Secretary of Public Works and Communications shall determine the period for which each license is issued: Provided, That no license shall be issued for a longer period than three years.

Sec. 3. The Secretary of Public Works and Communications is hereby empowered, to regulate the construction or manufacture, possession, control, sale and transfer of radio transmitters or transceivers (combination transmitter-receiver) and the establishment, use, the operation of all radio stations and of all form of radio communications and transmissions within the Philippines. In addition to the above he shall have the following specific powers and duties:

(a) He shall prescribe rules and regulations covering the construction and manufacture, possession, purchase, sale or transfer of radio transmitter, and transceivers;

(b) He shall classify radio stations and prescribe the nature of the services to be rendered by each class and by each station within any class;

(c) He shall assign call letters and assign frequencies for each station licensed by him and for each station established by virtue of a franchise granted by the Congress of the Philippines and specify the stations to which each of such frequencies may be used;

(d) He shall promulgate rules and regulations to prevent and eliminate interference between stations and carry out the provisions of this Act and the provisions of the International Radio Regulations. Provided, however, That changes in the frequencies or in the authorized power, or in the character of

emitted signals, or in the type of the power or in the character of emitted signals, or in the type of the power supply, or in the hours of operations of any licensed stations, shall not be made without first giving the station licensee a hearing;

(e) He may establish areas or zones to be served by any station;

(f) He may promulgate rules and regulations applicable to radio stations engaging in chain broadcasting;

(g) He may promulgate rules and regulations requiring stations to keep records of traffic handled, distress frequency watches, programs, transmissions of energy, communications or signs.

(h) He may conduct investigations as may be necessary in connection with radio matters and hold hearings, summon witnesses, administer oaths and compel the production of books, logs, documents, and papers, and he may examine the books of persons, companies or associations engaged in the construction or manufacture of radio transmitters or transceivers, or of merchants dealing in the purchase and sale of radio equipment;

(i) He may prescribe rules and regulations to be observed by radio training schools, he may supervise the course and method of instruction therein; and he may refuse to admit to examination for radio operators' licenses graduates of radio schools not complying with the regulations;

(j) He shall prescribe rates of charges to be paid to the Government for the inspection of stations, for the licensing of stations, for the examination of operators, for the renewal of station or operator license, and for other services as may be rendered;

(k) He is hereby empowered to approve or to disapprove any application for the construction, installation, establishment or operation of a radio station;

(l) He may approve or disapprove any application for renewal of station or operator license: Provided, however, That no application for renewal shall be disapproved without giving the licensee a hearing;

(m) He may, at his direction bring criminal action against violators of the radio laws or the regulations and confiscate the radio apparatus in case of illegal operation; or simply suspend or revoke the offender's station or operator licenses or refuse to renew such licenses; or just reprimand and warn the offenders;

(n) The location of any station and the power and kind or type of apparatus to be used shall be subject to his approval;

(o) He shall prescribe rules and regulations to be observed by stations for the handling of SOS messages and distress traffics: Provided, That such rules and regulations shall not conflict with the provisions of the International Radio Regulation. (As amended by Rep. Act No. 584, approved Sept. 18, 1950.)

Sec. 4. No radio station license shall be transferred to any person, firm, company, association or corporation without express authority of the Secretary of Public Works and Communications, and no license shall be granted or transferred to any person who is not a citizen of the United States of America or of the Philippines; or to any firm or company which is not incorporated under the laws of the Philippines or of any state or territory of the United States of America; or to any company or corporation in which any alien is employed as officer or director; or to any company or corporation twenty per cent of whose capital stock may be voted by aliens or their representatives, or by a foreign government or its representatives, or by any company, corporation, or association organized under the laws of foreign country.

Sec. 5. The privileges granted in any station license shall not be exclusive.

Sec. 6. The President of the United States of America, or of the Philippines, in time of war, public peril, calamity, or disaster may cause the closing of any radio station in the Philippines, or any authorize the temporary use or possession thereof by any department of the Government upon just compensation to the owners.

Sec. 7. A person to whom or through whom a message has been submitted for transmission shall not willfully publish or divulge the contents, substance, purport, effect, or meaning thereof to any unauthorized person; and no person not being authorized by the sender or the addressee shall intercept any message or communication and willfully divulge or publish the contents, substance, purport, effect, or meaning of such intercepted message or communication to any person; and no person not being entitled thereto shall receive, or assist in receiving, any message or communication and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto and no person having received such intercepted message or communication, or having become acquainted with the contents, substance, purport, effect or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; Provided, That this section shall not apply to the transmitting, receiving, divulging, publishing or utilizing the contents of any message or communication broadcast or transmitted by amateurs for the use of the general public relating to ships or distress.

Sec. 8. The Secretary of Public Works and Communications is hereby authorized to create a Radio Regulation Section, Division, or Office, which shall take charge of carrying out the provisions of this Act and of the regulation prescribed by him, or may delegate temporarily the duties herein prescribed by him, to any bureau or office under his Department subject to his general supervision and control.

Sec. 9. The provisions of this Act shall not apply to radio stations of the United States Government and those of the Philippine Government. Foreign mobile stations temporarily located within the Philippine shall be exempted from the provisions of this Act: Provided, however, That they shall be subject to the provisions of the International Radiotelegraph Regulations.

Sec. 10. The powers vested and the duties imposed upon the Director of Post by Act Numbered Thirty –three Hundred and Ninety six are hereby transferred to the Secretary of Public Works and Communications, who is hereby empowered to include in the general radio regulations under this Act, regulations governing radio apparatus compulsorily required on vessels of Philippine registry by Act Numbered Thirty-three Hundred and Ninety-six, notwithstanding the fact that such regulations may be different from those specifically provided in said Act Numbered Thirty-three Hundred Ninety-six; Provided, That such regulations shall not be inconsistent with the provisions of the International convention for the safety of Life at Sea: Provided, further, That this section or any part thereof shall not be construed as in any way affecting the provisions of Act Numbered Thirty-three Hundred and Ninety-six making compulsory the installation of radio apparatus on certain vessels and penalizing the violations thereof.

Sec. 11. Act Numbered Thirty Two Hundred and Seventy-five entitled, “An Act to amend article One of Chapter fifty-two of the Administrative Code, providing for effective radio control,” is hereby repealed: Provided, however, That such repeal shall not affect any act done, or any right accrued, or any suit proceeding had or commenced in any criminal or civil cause prior to said repeal.

Sec. 12. Any person who shall violate any provision of this Act, or any provision of the International Radio Regulations, shall be punished by a fine of not more than two thousand pesos or by imprisonment of not more than two years, for each and every offense, or both, in the discretion of the court. (As amended by Com. Act No. 365 and Rep. Act No. 584, Approved Sept. 18, 1950.)

Sec. 13. Any firm, company, corporation, or association failing or refusing to observe or violating any provision of this Act, or any provision of the Regulations prescribed by the Secretary of Public Works and Communications under this Act, or any provision of the International Radio Regulations shall be punished by a fine of not more than five thousand pesos for each and every offense. (As amended by Act No. 584, approved Sept. 18, 1950.)

Sec. 14. This Act shall take effect three months after approval.

Approved, November 11, 1931.