

REPUBLIC ACT NO. 3846

AN ACT PROVIDING FOR THE REGULATION OF RADIO STATIONS AND RADIO COMMUNICATIONS IN THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES

August 10, 1963

SECTION 1. No person, firm, company, association or corporation shall construct, install, establish, or operate a radio station within the Philippine Islands without having first obtained a franchise therefor from the Philippine Legislature; Provided however, That no franchise from the Legislature shall be necessary for the construction, installation, establishment or operation of a broadcasting station, an amateur station, an experimental station, a training station, a station on board a mobile vessel, train, or aircraft, or a private station in a place without any means of communication.

SECTION 2. The construction or installation of any station shall not be begun, unless a permit therefor has been granted by the Secretary of Commerce and Communications. No station shall be operated except under and in accordance with the provisions of a license issued therefor by the Secretary of Commerce and Communications. The license shall state the dates between which the station may be operated. If a renewal is desired, the licensee shall submit an application to the Secretary of Commerce and Communication at least two (2) months before the expiration date of the license to be renewed. The Secretary of Commerce and Communication shall determine the period for which each license is issued; Provided, that no license shall be issued for a longer period than three (3) years.

SECTION 3. The Secretary of Commerce and Communication is hereby empowered to regulate the establishment, use, and operation of all radio stations and of all forms of radio communications and transmissions within the Philippine Islands and to issue such rules and regulations as may be necessary. In addition to the above, he shall have the following specific powers and duties:

- a) He shall classify radio stations and prescribe the nature of service to be rendered by each class and by each station within any class;
- b) 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 Philippine Legislature and specify the stations to which each such frequency may be used;
- c) He shall make rules and regulations to prevent and eliminate interference between stations and to carry out the provisions of this Act and the provisions of International Radio Regulations: Provided however, that changes in the frequencies or in the authorized power, or in the character of omitted signals, or in the type of the power supply, or in the hours of operation of any licensed station, shall not be made without first giving the station a hearing;
- d) He may establish areas or zones to be served by any station;
- e) He may make special rules and regulations applicable to radio stations engaging in chain broadcasting;
- f) He may make general rules and regulations requiring stations to keep records of traffic handled, distress, frequency watches, programs, transmissions of energy, communications

or signs;

g) He may conduct such 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;

h) 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 examinations for radio operators' licenses graduates of any radio school not complying with the regulations;

i) 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 licensing of operators, for the renewal of station or operator licenses, and for such other services as may be rendered;

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

k) 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;

l) He may, at his discretion, bring criminal actions against violators of the radio law or the regulations; or simply suspend or revoke the offender's station or operator's licenses; or refuse to renew such licenses; or just reprimand and warn the offenders;

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

n) He shall prescribe rules and regulations to be observed by stations for the handling of SOS messages and distress traffic: Provided, that such rules and regulations shall not conflict with the provisions of the International Radio Regulations.

SECTION 4. No radio station license shall be transferred to any person, firm, company, association or corporation without express authority of the Secretary of Commerce 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 Philippine Islands; or to any firm or company which is not incorporated under the laws of the Philippine Islands or any state or territory of the United States of America; or to any company or corporation twenty percent (20%) 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 a foreign country.

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

SECTION 6. The President of the United States of America, or the Governor-General of the Philippine Islands, in time of war, public peril, calamity, or disaster, may cause the closing of any radio station in the Philippine Islands; or may authorize the temporary use or possession thereof by any department of the Government upon just compensation to the owners. SECTION 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 communications and use the same or any information therein contained for his 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 broadcasted or transmitted by amateurs or others for the use of the general public or relating to ships in distress.

SECTION 8. The Secretary of Commerce and Communication 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 regulations prescribed by him, or to delegate temporarily the duties herein conferred upon him and the enforcement of the regulations prescribed by him, to any bureau or office under his department, subject to his general supervision and control.

SECTION 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 Islands shall be exempt from the provisions of this Act: Provided, however, That they shall be subject to the provisions of the International Radiotelegraph Regulations.

SECTION 10. The powers vested in and the duties imposed upon the Director of Posts by Act Numbered Thirty-three hundred and ninety-six are hereby transferred to the Secretary of Commerce and Communication, who is hereby empowered to include in the general radio regulations under this Act, regulations governing radio apparatus compulsory 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 and ninety-six: Provided however, 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 violations thereof.

SECTION 11. Act Numbered Thirty-two hundred and seventy-five, entitled, "An Act to Amend Article One of Chapter Fifty-two and Section Twenty-seven hundred and fifty-seven of the Administrative Code, Providing for the Effective Radio Control," is hereby repealed: Provided however, that such repeal shall not affect any act done, or any right accrued, or any suit or proceeding had or commenced in any criminal or civil cause, prior to said repeal.

SECTION 12. Any person who shall violate any mandatory or prohibitory provision of this Act, or any mandatory or prohibitory provision of the regulations prescribed by the Secretary of Commerce and Communication under this Act, or any mandatory or prohibitory provision of the International Radio Regulations, upon conviction thereof by a court of

competent jurisdiction, shall be punished by a fine of not more than three hundred pesos or by imprisonment for not more than three months, or both, for each and every offense.

SECTION 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 Commerce and Communication under this Act, or any provision of the International Radio Regulations, shall be punished by a fine of not more than one thousand pesos for each and every offense.

SECTION 14. This Act shall take effect three months