

MEMORANDUM CIRCULAR
NO. 3-06-88

**SUBJECT: REVOCATION OF BOC MEMORANDUM CIRCULAR NO. 76-15
DATED JUNE 09, 1976 ON RADIO PAGING, RADIO MESSAGE
SWITCHING, COMMUNITY ANTENNA TELEVISION, CLOSED
CIRCUIT TELEVISION AND TELEVISION TRANSLATOR.**

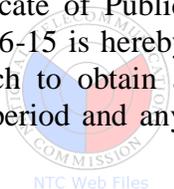
Pursuant to Executive Order No. 546, Series of 1979 and effective immediately, it is hereby declared that the provisions of BOC Memorandum Circular No. 76-15 are of no further force and effect and henceforth, the provisions hereof shall govern the communication service thereunder.

The operative provision of said BOC Memorandum Circular No. 76-15 provided that “under the purview of the above-mentioned Section I of Act 3846, as amended, the following modern communication services, to wit: Radio Paging, Radio Message Switching, Community Antenna Television (CATV), Closed Circuit Television (CCTV), and Television Translator, do not fall under any of the above-mentioned classifications; nor do said service, except radio paging and radio message switching which involves one-way communication, require the assignment of frequencies. The need, therefore, to obtain franchise for their construction, installation or operation is not mandatory.”

Section I of Act 3846, as amended, expressly provides that “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 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, or a station on board a mobile vessel, a train, or a aircraft, or a private station in a place so outlying and so remote as to afford no public communication system with the outside world: x x x x x . “

Both radio paging and radio message switching services essentially and clearly require radio transmitting stations and/or radio receiving stations used for commercial purposes. Neither service falls under the exceptions expressly enumerated. Since these communication services are within the ambit of the Section I Act 3846, as amended, their construction, installation, establishment or operation require a franchise from the Congress of the Philippines. Consequently, no Certificate of Public Convenience (CPC) can be granted by this Commission to any person or entity who does not hold any valid congressional franchise.

In the interest of justice and equity, any person or entity wit a Certificate of Public Convenience granted pursuant to said BOC Memorandum Circular No. 76-15 is hereby granted a grace period of One (1) year from date hereof within which to obtain a franchise from the Congress of the Philippines. After the lapse of said period and any



term set forth in its Certificate of Public Convenience notwithstanding, said CPC shall be deemed cancelled and of no further legal efficacy.

In so far as Community Antenna Television (CATV), Closed Circuit Television (CCTV) and Television Translator services, these communications facilities are now governed by new laws, circulars, rules and regulation issued by this Commission. Any person or entity engaged in these services shall adhere to and comply with said new laws, circulars, rules and regulations.

This Memorandum Circular expressly revokes, repeals and supersedes BOC Memorandum Circular No. 76-15, and any other existing circular, order or instruction or part thereof which is inconsistent or incompatible herewith.

Quezon City, Philippines, March 16, 1988.

JOSE LUIS A. ALCUAZ
COMMISSIONER

