

REPUBLIC ACT NO. 9104

AN ACT AMENDING REPUBLIC ACT NO. 8589, ENTITLED
"AN ACT GRANTING THE SAMARTEL, INC. A
FRANCHISE TO CONSTRUCT, ESTABLISH, INSTALL,
MAINTAIN AND OPERATE LOCAL EXCHANGE
NETWORK IN THE ISLAND OF SAMAR"

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

SECTION 1. Section 1 of Republic Act No. 8589 is hereby
amended to read as follows:

"SECTION 1. *Nature and Scope of Franchise.* – Subject to
the provisions of the Constitution and applicable laws, rules and
regulations, there is hereby granted to the Samartel Inc.,
hereunder referred to as the grantee, its successors or assigns, a
franchise to construct, establish, install, maintain and operate
for commercial purposes and in the public interest, local exchange
network, including public calling stations or pay telephone
stations or wireless local loop and for such purpose provide basic
telephone service or other means related to the foregoing now
known to science or which in the future may be developed, in
Region VI, Region VII and Region VIII, for public domestic
telecommunications."

SEC. 2. Section 4 of Republic Act No. 8589 is hereby
amended to read as follows:

"SEC. 4. *Responsibility to the Public.* – The grantee shall
conform to the ethics of honest enterprise and shall not use its
stations for obscene or indecent transmission or for dissemination
of deliberately false information or willful misrepresentation, or
assist in subversive or treasonable acts.

The grantee shall provide basic or enhanced telephone service in Region VI, Region VII and Region VIII, where it has an approved Certificate of Public Convenience and Necessity for the establishment, operation and maintenance of a local exchange service, without discrimination to any applicant therefor, in the order of the date of their applications, up to the limit of the capacity of its local telephone exchange, and should the demand for the telephone service at any time increase beyond the capacity thereof, the grantee shall increase the same to meet such demand: *Provided*, That in case the total demand to be satisfied by the expansion is less than the smallest viable local exchange available in the market as determined by the Commission, the grantee shall not be obliged to furnish said service, unless the applicant for telephone service defrays the actual expenses for the installation of the telecommunications apparatus necessary for such services and in such case the Commission may extend the time within which the grantee shall furnish such service.

The grantee shall operate and maintain all its stations, lines, cables, systems and equipment for the transmission and reception of messages, signals and pulses in a satisfactory manner at all times, and as far as economical and practicable, modify, improve or change such stations, lines, cable, systems and equipment to keep abreast with the advances in science and technology."

SEC. 3. *Effectivity.* – This Act shall take effect fifteen (15) days from the date of its publication, upon the initiative of the herein grantee, in at least two (2) newspapers of general circulation in the Philippines.

Lapsed into law on April 9, 2001 without the President's signature, pursuant to Sec. 27(1), Article VI of the Constitution.