

**DEPARTMENT ORDER NO. 5)
Series of 1948)**

September 22, 1948

**SUBJECT: RULES AND REGULATIONS GOVERNING COMMERCIAL
RADIO OPERATORS**

Pursuant to the provisions of the Radio Control Law, Act No. 3846, as amended by Commonwealth act Nos. 365 and 571, the following rules and regulations governing commercial radio operators are hereby promulgated to take effect on September 22, 1948. All rules and regulations which are in conflict herewith are hereby revoked.

GENERAL

Sec. 1. *Licensed Operators Required.* - Unless otherwise authorized by the Secretary of Commerce and Industry, (now Secretary of Transportation and Communications) the actual operation of any radio station for which a station license is required shall be carried on only by a licensed radio operator. In the case of remote-controlled stations, licensed operators shall also be required in transmitting and receiving office, as well as in all tuning (transmitting and receiving) stations.

Sec. 2. *Classes of Licenses.* - Commercial operator licenses are classified as follows:

- (a) Commercial radiotelephone group;
 - (1) Radiotelephone third class operator license
 - (2) Radiotelephone second class operator license
 - (3) Radiotelephone first class operator license

- (b) Commercial radiotelegraph group;
 - (1) Radiotelegraph third class operator license
 - (2) Radiotelegraph second class operator license
 - (3) Radiotelegraph first class operator license

- (c) Radio teletype operator license

Sec. 3. *Term of License.* - Commercial operator licenses shall be issued for a term of not more than three (3) years.

Sec. 4. *Procedure.* - An application for operator license must be filed in duplicate with the Secretary of Public Works and Communication upon blanks furnished for that purpose. If the application is for renewal of license, it must be submitted at least thirty (30) days prior to the date of expiration, together with the license to be renewed.

Sec. 5. *General Qualifications of Applicant.* - An applicant for commercial radio operator license must possess the following qualifications:

- (a) He must be a citizen of the Philippines; Provided, however, That operator licences issued to american citizens prior to the date of effectivity of these regulations shall be valid and operative the terms of such licenses: Provided, further, That a holder of a pilot license issued by the Civil Aeronautics Board may be considered qualified to take an examination for third class commercial radio-telephone operator license irrespective of citizenship;
- (b) He must be at least 18 years of age;
- (c) He must be of good moral character;
- (d) He must have completed the high school course prescribed by the Department of Public Instruction; Provided, however, That experienced radio operators in the government service who have not completed the high school course, may be considered qualified to take the examination if for each year deficiency of high school they possess two years satisfactory service as government radio operator; and
- (e) He must have graduated from a radio school recognized and accredited by the Secretary of Public Works and Communications or must have had at least one year service as a government radio operator; Provided, however, THAT applicants for radioteletype operator license shall be exempted from the requirement of this paragraph. (As amended by Dept. Order No. 28 dated Sept. 11, 1954.)

Sec. 6. Special Provisions, RADIOTELEGRAPH first Class. An applicant for a radiotelegraph first class operator license must be at least 21 years of age and must have been a holder of a second class radiotelegraph license for at least one year, with commercial service of at least six months in the aggregate: Provided, however, That a holder of a second class radiotelegraph license, who, prior to his having qualified for such license, had rendered at least five (5) years satisfactory service as radio operator in a government radio station may be considered qualified to take the examination for first class commercial radiotelegraph operator license without first securing the six (6) months service mentioned above and Provided, further, That any person who has rendered five (5) years or more satisfactory service as radio operator in a government radio station may be permitted to take examination for first class commercial radiotelegraph operator license provided he possesses the other qualifications required in Section five (5) hereof.

Sec. 7. *Examination Elements.* - Written examination shall comprise questions from one or more of the following examination elements:

- (1) *Basic Law* - Provisions of radio laws and radio regulations.
- (2) *Basic Theory and Practice* - Technical matters appropriate for every class of license
- (3) *Radiotelephone* - Additional matters, both legal and technical, including radiotelephone theory and practice.

- (4) *Advanced Radiotelephone* - Theory and practice applicable to broadcast station operation
- (5) *Radiotelegraph* - Additional matters, both legal and technical, including radiotelegraph theory and practice.
- (6) *Advanced Radiotelegraph* - Radiotelegraph theory and practice of wider scope, particularly with respect to ship radio matters (direction finders, auto-alarms, ship radiotelephone stations, etc.)

Sec. 8. *Examination Requirements.* - Applicants for original licenses shall be required to pass examinations, as follows:

- (a) Radiotelephone third class operator license:
 - (1) Ability to transmit and receive spoken messages in English
 - (2) Written examination elements 1 and 2.
- (b) Radiotelephone second class operator license:
 - (1) Ability to transmit and receive spoken messages in English.
 - (2) Written examinations elements 1, 2, and 3.
- (c) Radiotelephone first class operator license:
 - (1) Ability to transmit and receive spoken messages in English.
 - (2) Written examinations elements 1, 2, 3, and 4.
- (d) Radiotelegraph third class operator license:
 - (1) Transmitting and receiving code test of sixteen code groups per minute.
 - (2) Written examinations elements 1, 2, and 5.
- (e) Radiotelegraph second class operator license:
 - (1) Ability to transmit and receive spoken messages in English.
 - (2) Transmitting and receiving code test of sixteen code groups per minute
 - (3) Written examinations elements 1, 2, 5 and 6
- (f) Radiotelegraph first class operator license:
 - (1) Ability to transmit and receive spoken messages in English.
 - (2) Transmitting and receiving code test of twenty-five words per minute, plain language; and twenty code groups per minute.
 - (3) Written examination elements 1, 2, 5 and 6.
- (g) Radioteletype operator license:
 - (1) Ability to transmit and receive messages by radioteletype.
 - (2) Written examination element 1 (Basic Law). (As amended by Dept. Order No. 28 dated Sept. 11, 1954.)

Sec. 9. *Place of Examination.* - Examination for radio operator license shall be conducted at such times and places as the Secretary of Public Works and Communications may designate.

Sec. 10. *Form of Writing.* - Written examination shall be in English and shall be written by the applicant in longhand in ink; provided that diagrams may be drawn in pencil.

Sec. 11. *Passing Grade.* - A passing average of 70% of a possible 100% is required on all elements of a written examination; Provided, That no rating shall be below 50% in any element. An applicant who passes the written examination elements, but fails in the code test may be given two chances to remove his deficiency within three months from the date he is advised of the result of his examination. Failure to remove the deficiency within the prescribed period shall invalidate the examination. (As amended by Dept. Order No. 82, date July 5, 1951.)

Sec. 12. *Special Provision.* - An applicant who fails in the examination for the class of license applied for may be granted a license of a lower class if he obtains a general average of at least 70% on the elements required for that lower class. An applicant who qualifies in an examination, but fails to secure a license within one (1) year from the date he is advised of the result of his or her examination, will not be issued a license without re-examination. (As amended by Dept. Order No. 82, date July 5, 1951.)

Sec. 13. *New Class: Additional Requirements.* - The holder of a license who applies for another class of license is required to pass only the added examination elements for the new class of license.

Sec. 14. *Transmitting Speed Requirements.* - An applicant is required to transmit correctly in the International Morse Code for one minute at the rate of speed prescribed in these rules for the class of license applied for.

Sec. 15. *Transmitting Test Procedure.* - Transmitting tests shall be performed by the use of the conventional Morse key or an automatic code transmitter.

Sec. 16. *Receiving Speed Requirements.* - An applicant is required to receive the International Morse Code by ear and legibly transcribe consecutive words of code groups for a period of one minute without error at the rate of the speed specified in the rules for the class of license for which applicants is made. An applicant for a first class radiotelegraph license is required to receive and legibly transcribe consecutive word or code groups for a period of two minutes without errors.

Sec. 17. *Receiving Test Procedure.* - Receiving code test shall be written in longhand and either in ink or in pencil, provided that in the case of the twenty-five words per minute code test a typewriter may be used when furnished by the applicant himself.

Sec. 18. *Computing Word Code Groups.* - Each five characters shall be counted as one word or code group. Punctuation marks or figures shall be counted as two characters.

Sec. 19. *Eligibility for Re-examination.* - An applicant who obtains a rating of less than 60% in an examination element will not be allowed for two months to take an examination for any class of license requiring that element. Examination elements will be graded in the order listed in Section 7 hereof, and an applicant may, without further application, be issued the class of license for which he qualifies.

Sec. 20. *Renewal of Operator License Without Examination.*

All commercial operator licenses may be renewed without examination: Provided, That:

- (a) That applicant has had at least 90 days' satisfactory service during the term of the 6-month prior to the date the application for renewal of license is due to be filed 30 days prior to the expiration date, or
- (b) The applicant has had at least 6 months' satisfactory service during the term of the license prior to the date the application for renewal of license is due to be filed, and
- (c) Provided, further, That holders of commercial radio operator licenses who are in the government service as radio operators may be exempted from renewing their licenses while in the government service as such radio operators and their licenses renewed upon separation from the government service, provided that a certificate of satisfactory service signed by their employers is presented with the application for renewal license. (As amended by Dept. Order No. 82, date July 5, 1951.)

Sec. 21. *Operator's Authority.* - The various classes of commercial operator licenses issued by the Department of Public Works and Communications authorize the holders thereof to operate radio stations, except amateur radio stations, as follows:

- (a) *Radiotelephone third class operator license.* * - Any station while using type A-0, A-3, A-4, F-0, F-4, F-3 emission: Provided That
 - (1) Such operator is prohibited from making adjustments that may result in improper transmitter operation.
 - (2) The equipment is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation.
 - (3) Any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or in the presence of an operator holding first or second class license, either telephone or telegraph, who shall be responsible for the proper operation of the equipment.

Exceptions:

- (1) The license is not valid for the operation of any of the various classes of broadcasting stations other than a relay broadcast station.
 - (2) The license is not valid for the operation of a coastal telephone station or a coastal harbor station.
- (b) *Radiotelephone second class operator license.* - Any station while using type A-0, A-4, A-5, A-9, F-3, F-4, F-5, or P-3 emission, but holders thereof are not authorized to act as chief operators in standard broadcast stations, international broadcast stations, or high frequency and television broadcast stations, or ship stations licensed to use power in excess of 100 watts (output) and type A-3 emission for communication with coastal telephone stations.
- (c) *Radiotelephone first class operator license.* - Any station while using type A-3, A-4, A-5, A-9, F-5, F-9, or P-3 emission, except ship stations licensed to use a power in excess of 100 watts (output) and type A-3 emission for communication with coastal telephone stations.
- (d) *Radiotelegraph third class operator license.* - Any station while using type A-0, A-1, A-2, A-3, A-4, F-0, F-1, F-2, F-3, F-4, or P-3 emission: Provided, That in the case of equipment designed for and using type A-3, A-4, F-3, F-4, or P-3 emission.
- (1) Such operator is prohibited from making adjustments that may result in improper transmitter operation.
 - (2) The equipment is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation.
 - (3) Any needed adjustments of the transmitter which may affect proper operation of the station are regularly made by or in the presence of an operator holding a first or second class license either telephone or telegraph, who shall be responsible for the proper operation of the equipment.
- (e) *Radiotelegraph second class operator license.* - Any station while using type A-0, A-2, A-3, A-4, F-0, F-1, F-2, F-3, F-4, or P-3 emission, but holders thereof are not authorized to act as chief operators on passengers vessels or on cargo vessels in the international trade or in broadcast stations other than relay broadcast stations, and radiotelephone stations licensed to use power in excess of 100 watts output.

- (f) *Radiotelegraph first class operator license.* - Any station while using type A-0, A-1, A-2, A-4, A-3, F-0, F-1, F-2, F-3, F-4, or P-3 emission, except broadcast stations other than relay broadcast stations, and radiotelephone stations licensed to use power in excess of 300 watts output.
- (g) *Radioteletype operator license.* - To operate printers of radioteletype stations. (As amended by Dept. Order No. 25, dated Sept. 11, 1954.)

Sec. 22. *Special Privileges.* -

- (a) Any operator may conduct the operation of any station in the experimental service while using frequencies above 300,000 kilocycles.
- (b) Subject to the limitations set forth herein the holder of any class radiotelephone operator license may operate a radiotelephone point-to-point station, a coastal harbor station or a coastal telephone station using A-1, A-2, F-1, or F-2 emission for testing or other transmission entirely secondary and incidental to the service of such station.

Sec. 23. *Operator's Responsibility.* - The licensed operator responsible for the maintenance and operation of a transmitter may permit other persons to adjust the transmitter in his presence for the purpose of carrying out tests or making adjustments requiring specialized knowledge or skill, provided that he shall not be relieved thereby from responsibility for the improper operation of the equipment.

Miscellaneous

Sec. 24. *Issue of Duplicate License.* - An operator whose license or permit has been lost, mutilated or destroyed, shall immediately notify the Department. A sworn application for duplicate should be submitted to the Department of Public Works and Communications embodying a statement attesting to the facts of the loss thereof. If a license has been lost, the applicant must state that reasonable search has been made for it and, that in the event that it be found, either the original or the duplicate will be returned for cancellation. The applicant must also give a statement about the service or services obtained under the lost license.

Sec. 25. *Posting of Licenses or Verified Statement.* - The license of each station operator, except aircraft radio station operators, and operators of a portable mobile station, shall be posted in a conspicuous place in the room occupied by such operator while on duty. The holder of a radiotelegraph or radiotelephone first or second class operator license who is employed as a service and maintenance operator at stations operated by holders of their class operator license shall post at such station his operator license or a verified statement from the Department of Public Works and Communications in lieu thereof. In case of a lost license or a license which has been submitted for renewal, the application for duplicate or renewal shall be exhibited by the license.

Sec. 26. *Examination and License Fees.* - The following examination and license fees shall be paid to the Radio Control Board:

(a) For examination:

(1) First class, radiotelegraph or radiotelephone -----	P 12.00
(2) Second class, radiotelegraph or radiotelephone -----	8.00
(3) Third class radiotelegraph -----	6.00
(4) Third class radiotelephone -----	3.00
(5) Radioteletype -----	3.00

(b) For License:

(1) First class, radiotelephone or radiotelegraph for one year ----- ---	12.00
(2) Second class, radiotelegraph or radiotelephone for one year ----- -----	8.00
(3) Third class radiotelegraph for one year -----	6.00
(4) Third class radiophone for one year -----	3.00
(4-a) Radioteletype operator license for one year (As amended by Dept. Order No. 28, dated Sept. 11, 1954.) -----	3.00
(5) Duplicate license, any class -----	5.00

Sec. 27. *Aviation Service Endorsement.* - If the operator has conducted the operation of more than three stations in the aviation service, the service may be shown by giving the name of the aviation chain or company, in lieu of listing the call letters of the several stations.

Sec. 28. *Suspension or Revocation of License.* -

- (a) Violating any provision of Act No. 3846 as amended or any regulations promulgated thereunder.
- (b) Making any false statement in the application for license or in any reports required to be submitted by these regulations.

- (c) Failing to comply with the conditions under which a license is issued.
- (d) Maliciously and intentionally causing damage to the radio equipment in a radio station.

Sec. 29. Penalty Provisions. - Section 12 of Act No. 3846, as amended, provides that any person who violates any provision of this Act, or any regulation prescribed by the Secretary of Public Works and Communications or any provision of the International Radio Regulations, shall be punished by a fine of not more than two thousand pesos or by imprisonment for not more than two years or both, for each and every offense. (As amended by Rep. Act. No. 584, approved Sept. 18, 1950).

(SGD.) **CORNELIO BALMACEDA**
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