

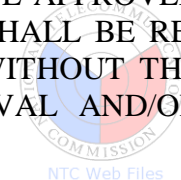
MEMORANDUM CIRCULAR
NO. 09-08-91

**SUBJECT: GUIDELINES IN THE SALE, PURCHASE AND IMPORTATION
OF VARIOUS RADIO COMMUNICATIONS EQUIPMENT
INTENDED FOR USE IN PRIVATE AND GOVERNMENT-
OWNED RADIO COMMUNICATIONS NETWORKS**

Pursuant to Act 3846 as amended the following guidelines governing the sale, purchase and importation of various radio communications equipment intended for use in private and government-owned radio communications networks are hereby promulgated:

I. IMPORTATION OF RADIO COMMUNICATIONS EQUIPMENT

1. Any and all importations of various radio communications equipment particularly radio transceivers, and/or transmitter be covered by an appropriate Permit to Import issued by this Commission.
2. A Permit to Import valid for a period of ninety (90) days from the date of issuance thereof shall be issued by the Commission only under the following circumstances:
 - a. To duly accredited radio equipment manufacturers and dealers, with valid Radio Dealers and Manufacturer's Permit intending to import TYPE-ACCEPTED AND/OR APPROVED radio communications equipment and their accessories and spare parts as part of their respective stocks.
 - b. To duly accredited radio equipment manufactures and dealers with valid Radio Dealers and Manufacturer's Permit intending to import radio communications equipment FOR PURPOSES OF TYPE APPROVAL AND/OR ACCEPTANCE, provided such Permit to Import is issued for not more than five (5) sample units which are subject to re-export should such radio communications equipment fail type approval and/or acceptance evaluations conducted by this Commission.
 - c. To duly authorized individuals and/or corporation who have been authorized by this Commission to install, operate and maintain their respective radio communications network. In this case, the Permit to Purchase shall serve as the Permit to Import and be a previously TYPE APPROVE AND/OR ACCEPTED model. SHOULD RADIO COMMUNICATIONS EQUIPMENT PROCURED NOT BE OF A PREVIOUSLY TYPE-APPROVED AND/OR ACCEPTED MODEL, SUCH UNIT SHALL BE RE-EXPORTED TO ITS COUNTRY OF ORIGIN WITHOUT THE BENEFIT OF UNDERGOING TYPE APPROVAL AND/OR



ACCEPTANCE PROCEDURES CONDUCTED BY THIS
COMMISSION.

3. Grantees of Permits to Import shall import only radio communications equipment, spare parts and/or accessories as contained in the Permit to Import and only in the quantities as authorized by this Commission.
4. Grantees of Permit to Import shall present evidences of tax payment and corresponding customs duties of all items imported under such Permit to Import issued by this Commission.
5. Radio Equipment dealers and manufacturer's must reflect the radio communications equipment and/or accessories imported in their regular Sales and Stock Reports submitted to this Commission for the next reporting period covering the actual date of import.
6. All radio communications equipment, spare parts and/or accessories covered by a Permit to Import shall be subject to the inspection of the Commission's authorized representative at the port of entry.

II. SALE OF RADIO COMMUNICATIONS EQUIPMENT

1. The sale of radio communications equipment shall only be done by a duly accredited radio equipment dealer and/or manufacturer with a valid Radio Equipment Dealers and/or Manufacturer's Permit or by an individual, entity or corporation with a valid Permit to Sell issued by this Commission.
2. The sale of radio communications equipment to any individual, entity or corporation whether government or private, without a valid Permit to Purchase issued by this Commission is strictly prohibited.
3. The sale, tendering or offering in a bid of radio communications equipment not previously type approved and/or accepted or whose characteristic do not conform to the authorized operating parameters particularly but not limited to the frequency/ies, rated power output, bandwidth and emission authorized by this Commission is strictly prohibited. In no case shall the Commission entertain any request for change of authorized operating parameters for reasons of incompatibility of the specifications of radio equipment sold relative to Commission authorized operating parameters or standards.
4. In the case of accredited radio equipment dealers, it is strictly prohibited to sell radio communications equipment that are not properly reflected in their current sales and stock reports provided that in cases when the required radio communications equipment have to be ordered from an overseas source (importation), such radio equipment and its sale shall be

reflected in the subsequent in the next reporting period covering the date of such import.

III. PURCHASE OF RADIO COMMUNICATIONS EQUIPMENT

1. The purchase of any radio communications equipment by any entity, or corporation whether private or government without a valid Permit to Purchase issued by this Commission is strictly prohibited.

The Permit to Purchase shall be valid for a period of one-hundred eighty (180) days and may be extended provided adequate proof (such as valid Purchase Order) that corresponding orders for the required radio communications equipment have been made within the validity period of the Permit to Purchase.

In case no valid proof that orders for the required radio communications equipment have been made within the validity period of the Permit to Purchase can be presented to the Commission, a new Permit to Purchase can be issued upon receipt of a formal request for a re-issuance of the Permit.

In no case however, shall a Permit to Purchase be extended nor re-issued without re-confirmation of frequency availability and the payment of the regular permit fees.

2. The purchase of radio communications equipment by any entity, corporation whether private or government from a source other than an accredited radio communications equipment dealer or manufacturer with a valid Radio Equipment Dealer's or Manufacturer's Permit or an entity or corporation whether private or government with a valid Permit to Sell is strictly prohibited. In case when the radio communications equipment is acquired from a foreign source such purchase must be duly covered by a valid Permit to Import or its equivalent. In addition, appropriate evidence of tax payments and payments of customs duties and/or proof of tax deferments as may be authorized by the Bureau of Customs, relative to the importation of such radio communications equipment must be submitted to this Commission.
3. The purchase of radio communications equipment not previously type approved and/or accepted or whose characteristics do not conform to the authorized operating parameters particularly but not limited to the frequency/ies, rated power output, bandwidth and emission authorized by this Commission is strictly prohibited. In no case shall the Commission entertain any request for change of authorized operating parameters for reasons of incompatibility of the specifications of radio equipment bought relative to Commission authorized operating parameters or standards.

This Memorandum Circular takes effect immediately and amends any other rules and regulations inconsistent hereto.

Any violations of the provisions of this Memorandum Circular and other pertinent radio rules and regulation shall be dealt with accordingly.

JOSEFINA T. LICHAUCO
Commissioner

