

AN ACT GRANTING THE SOUTHERN FARMERS COOPERATIVE ASSOCIATION A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE MUNICIPALITY OF GLAN,...

REPUBLIC ACT NO. 4058, June 18, 1964

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1defe7203dd9/>

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

SECTION 1. Subject to the provisions of the Constitution and to the terms and conditions established in Act Numbered Thirty-six hundred and thirty-six, there is granted to the Southern Farmers Cooperative Association, a corporation duly organized and existing under the laws of the Republic of the Philippines, its successors or assigns, for a period of twenty-five years from the date of approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system for the purpose of generating and/or distributing electric light, heat and/or power for sale within the Municipality of Glan, Province of Cotabato.

For this purpose, the grantee, its successors or assigns, all have the right and privilege, and is hereby authorized to install, lay, erect and/or maintain, on all streets, public thoroughfares, avenues, lanes, alleys, bridges, public places and/or roads within the limits of the Municipality of Glan, Province of Cotabato, poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, conduits, other equipments and/or other installations necessary for the safe distribution of electric current to the public: Provided, That all poles, wires, transformers capacitors, overhead protective devices, pole line hardware, conduits, other equipments and/or other paraphernalia, installed, erected, laid, and/or maintained by the grantee, its successors or assigns, shall be of such appearance as not to disfigure the road, street, thoroughfare, avenue lane, bridge, alley, or public place, and the wires carried by the said poles shall be strong and strung in accordance with professional standards approved by the Public Service Commission and said poles shall be of such height as to maintain the wires stretched on the same at a height of at least thirty feet above the level of the ground and said wires shall be so placed as not to imperil the public safety, in accordance with the rules, plans, and/or regulations of the Public Service Commission.

SEC. 2. For the purpose of installing, maintaining, erecting, and/or laying of such poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, and other equipments provided for in the preceding section, it shall be lawful for the grantee, its successors or assigns, to make excavations or lay conduits in any of the public places, highways, roads, streets, avenues, alleys, (Sidewalks, lanes and/or bridges in the Municipality of Glan, Province of Cotabato: Provided, however, That any public place, lane, highway, street, alley, avenue, sidewalk, road and/or bridge, altered, destroyed, disturbed or changed by reason of the installation, erection, laying and/or maintenance of such poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, and other equipments, or the laying underground of wires and other conductors, or of conduits, shall be repaired, restored and/or replaced, to the satisfaction of the district Engineer, removing from the same all rubbish, dirt, refuse or other material which may have been placed there or taken up in the installation, erection and/or laying o said poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, and other

equipment or the laying of said underground conduits, and leaving them in as good condition as they were before the work was done.

SEC. 3. Whenever any person, corporation, partnership or association, has obtained permission to use any of the roads or streets in said municipality for the purpose of removing any building or for prosecuting any provincial municipal work or for any other cause or purpose whatsoever, making it necessary to raise, alter, destroy, and/or remove any of said poles, wires, transformers, capacitors, overhead protective devices, pole line hardware conduits, other equipments, and/or other installations which may obstruct or hinder the removal of said building or the prosecution of said work, the grantee, its successors, or assigns, upon notice by the provincial board of Cotabato or the municipal council of Glan, served upon said grantee, its successors or assigns, at least one week in advance, shall raise, alter, destroy or otherwise remove any of said poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, conduits, other equipments and/or other installations, which may hinder the removal of such building or the prosecution of such work, so as to allow the free and unobstructed passage of said building or the free and unobstructed prosecution of such work, and the person, corporation, partnership, association or entity, its successors or assigns, at whose request the wires, poles, transformers, overhead protective devices, capacitors, pole line hardware, other equipments, conduits, and/or other installations have been removed, destroyed, altered or otherwise raised, shall pay eighty per centum of the actual cost of replacing, restoring, repairing and/or re-installing such poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, her equipments and/or other installations thus destroyed, altered, removed or otherwise raised, or the laying anew such conduits disturbed, altered, changed or destroyed reason of the removal of said building or the prosecution of such work. The same conditions shall apply the construction of any building whenever such conduction shall necessitate the destruction, disturbance, alteration, removal, or raising of any of the properties equipments mentioned herein. The notice shall be in the form of a resolution duly adopted by the provincial board of Cotabato or the municipal council of Glan, as the case may be, and served upon the grantee, its successors or assigns, or its duly authorized representatives or agents, by a person competent to testify as witness in a civil action, and in case of refusal, neglect or failure of the grantee, its successors or assigns, to comply with such notice, the Provincial Governor of Cotabato or the Municipal Mayor of Glan, with proper approval of the provincial board or the municipal council, as the case may be, first had, shall order such poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, conduits, other equipments and/or other installations to be raised, altered, destroyed, or otherwise removed at the expense of the grantee, its successors or assigns, for the purpose aforesaid.

SEC. 4. The grantee shall not commence any construction and/or installation whatsoever, pursuant to this franchise, without first obtaining a certificate of public convenience and public necessity from the Public Service Commission of the form and character provided for by applicable provisions of law especially authorizing such construction and/or installation. The grantee shall not exercise any right or privilege under this franchise without first having obtained such certificate of convenience and public necessity from the Public Service Commission. The Public Service Commission shall have the power to issue such certificate of convenience and public necessity whenever it shall, after due hearing, determine that such construction and/or installation or the exercise of such rights, privileges and/or authority under this franchise is necessary and proper for the public convenience and interest, and the Commission shall have the power, in s approving, to impose such conditions as to construction, equipment, maintenance, service or operation as the public convenience and interests may reasonably require, an such certificate shall state the date on which the grantee, its successors or assigns, shall commence construction or installation or operation and the period within which the work shall be completed. In order to avail itself of the rights and privileges granted by such certificate of convenience and public necessity, the grantee, its successors or assigns, shall file with the Public Service Commission, within such reasonable period as said Commission shall

fix, which shall not however be less than thirty days nor more than sixty days, its written acceptance of the terms and conditions of this franchise and of the certificate. In the event that the grantee, its successors or assigns, shall not commence the distribution and/or sale of electric heat, light and/or power within such period as the Public Service Commission shall have fixed, said Commission may declare said certificate null and void unless the grantee, its successors or assigns, shall have been prevented from doing so by fortuitous event or force majeure, usurpation by a military power, martial law, riot, uprising, or other inevitable cause: Provided, however, That if the grantee, its successors or assigns shall have been prevented by any of said causes from commencing the distribution and/or sale of electric light, heat, and/or power within the period specified, the time during which it shall have been so prevented shall be added to said period: Provided, further, That failure on the part of the grantee, its successors or assigns to accept the conditions of this franchise and those imposed in the certificate of convenience and public necessity shall automatically render this franchise null and void.

SEC. 5. Upon the written acceptance of the terms and conditions of this franchise and of those imposed in the certificate of convenience and public necessity, the grants, its successors or assigns, shall guarantee that within one year from the date of the granting by the Public Service Commission of a certificate of convenience and Public necessity authorizing the construction, operation and/or maintenance by the grantee, its successors or assigns, of an electric heat, light and/or power system in the Municipality of Glan, Province of Cotabato, the grantee, its successors or assigns, will be completely provided with The necessary materials, machineries and/or equipments and ready to begin operation in accordance with the terms of this franchise and those imposed by the certificate of convenience and public necessity: Provided, That if the grantee, its successors or assigns, for any other cause than the act of God, the public enemy, usurpation by a military power, martial law, riot, uprising, civil commotion, or inevitable cause, fail, refuse or neglect, to begin within one year from the date of the granting of said certificate of convenience and public necessity the business of operating, distributing and/or selling electric light heat and/or power in the Municipality of Glan, Province of Cotabato, or fail, refuse, or neglect, to be fully equipped and ready to operate, within one year from the date of the granting of said certificate of convenience and public necessity the business of distributing and/or selling electric light, heat and/or power in the Municipality of Glan, Province of Cotabato, applied for by the grantee, its successors or assigns, according to the terms of this franchise, then the grantee, its successors or assigns, shall pay to the Treasurer of the Philippines or his duly authorized representatives, the sum of one thousand pesos, Philippine Currency, as damages caused to the Government of the Republic of the Philippines by reason of such refusal, neglect or failure: Provided, however, That during all the time that the grantee, its successors or assigns, shall have been prevented from carrying out the terms and conditions of this franchise and those imposed in the certificate of convenience and public necessity by any of said causes, the same shall be added to the time allowed by this franchise and those under the certificate of convenience and public necessity for the compliance of its provisions, terms and/or conditions.

SEC. 6. The rights herein granted shall not be exclusive and the right and power of Congress to grant to any person, corporation, partnership, association or entity two than the grantee, a franchise for the construction, maintenance and operation of an electric light, heat and/or power system shall not be impaired or affected by the granting of this franchise: Provided, however, That the poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, other equipments, conduits, and/or other installations erected, installed or constructed laid by virtue of a franchise for the construction, maintenance and operation of an electric light, heat and/or power system granted subsequent to this franchise, shall be placed as not to impair the efficient and effective maintenance, operation, distribution and/or sale of electric heat, light and/or power under this franchise, and in existence at the time of the granting of said subsequent franchise: Provided, further, That the Public Service Commission, after hearing both parties interested, may compel the grantee of this franchise, its successors or assigns, to remove, relocate or replace its poles, wires, transformers, overhead protective devices, capacitors, pole

line hardware, other equipments, conduits and/or other installations, but in such case, the reasonable cost of the removal, relocation or replacement shall be paid by the grantee of the subsequent franchise, its or his successors or assigns, to the grantee of this franchise, its successors or assigns.

SEC. 7. The grantee, its successors or assigns, shall hold the national, provincial and municipal governments, harmless from all claims, accounts, demands, or actions arising out of accidents and/or injuries, whether to property or to persons, caused by the construction, maintenance, and/ or operation of the electric heat, light and/or power System of the said grantee, its successors or assigns: Provided, That such accident or injury occurred without Contributory negligence, fault, misfeasance or malfeasance on the part of the duly constituted authorities, agents or representatives of the national, provincial and municipal governments, in which case, the National Government or provincial or municipal governments shall bear the proportionate damages or costs resulting therefrom.

SEC. 8. The Government of the Republic of the Philippines shall have the right and privilege, without compensation, of using the poles of the grantee, its successors assigns, to attach and/or install one ten-pin crossarm, to install, maintain and operate wires of its telegraph and/or telecommunications system thereon: Provided, That the Bureau of Telecommunications shall have the right to place additional crossarms and wires on the poles of the grantee, its successors or assigns, by paying a compensation, the rate of which is to be agreed upon by and between the Director of Telecommunications and the grantee, its successors or assigns: Provided, further, That in case of disagreement as to the rate of contract rental, the same shall be fixed by the Public Service Commission. The Province of Cotabato and the municipalities thereof shall also have the right and privilege to attach one standard crossarm, without compensation, and to install, maintain and operate wires of local police and fire alarm system, but the wires of such telegraph and/or telecommunication lines, police or fire alarm system shall be so placed and strung in such manner as to cause no interference with or damage to the wires of the electric service of the grantee, its successors or assigns.

SEC. 9. The grantee, its successors or assigns, may purchase the property used by the provincial or municipal government for the operation of a similar service in the Municipality of Glan, Province of Cotabato, and the provincial or municipal government .shall sell said property with all rights and privileges which now or hereafter may be enjoyed by said provincial or municipal government, at the price agreed upon between the grantee, its successors or assigns, and the provincial board of Cotabato or municipal council of Glan. In case of disagreement as to the purchase price, the Public Service Commission is hereby authorized, after proper investigation, assessment and evaluation of the property offered for sale, to determine and fix the reasonable price thereof, less any appreciable amount of depreciation, and its decision shall be final.

SEC. 10. A special right is reserved to the President of the Philippines in time of war, rebellion, public peril, emergency, calamity, disaster or disturbance of peace an order, to cause the closure or cessation of such electric service or to authorize the temporary use and operation therefore by any department of the Government upon due compensation to the grantee, its successor or assigns, for the use of said service during the period when it shall have been so used and operated.

SEC 11. In the event that the National Power Corporation shall have established its lines in the area adjacent to or over the territory covered by this franchise, the National Power Corporation may make available its power and heat only after negotiation with and through or with the authority and consent of the grantee, its successors or assigns: Provided, That the grantee, its successors or assigns, should it so desire to purchase and resell the electric heat and/or power generated by the National Power Corporation's facilities, shall have preference and priority over all others, to purchase and resell the electric heat and/or power generated by National Power Corporation plants and facilities at the rates prescribed in Section twelve hereof: Provided, further, That the consent and

authority herein granted to the grantee, its successors or assigns, relative to negotiations for the purchase and resale of electric heat and power generated by National Power Corporation plants and facilities shall not apply if it be shown that the same is used for purposes of delay, monopoly, abuse or any other unlawful act or motive.

SEC. 12. The rates for the sale of electric light, heat and/or power, whether flat rates or metered rates, shall always be subject to the approval and regulation by the Public Service Commission.

SEC. 13. In the event the grantee, its successors or assigns, has already been granted and enjoys the benefits, rights and privileges of any other kind of franchise, other than a Congressional franchise as herein granted, then the said franchise shall be considered annulled upon approval of this Act: Provided, That the nullification of the Previous franchise shall not take effect until after the terms and conditions set forth in Sections four and five of this shall have been complied with Sections four and five of this Act shall have been complied with.

SEC. 14. This Act shall take effect upon its approval.

Approved, June 18, 1964.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.