

AN ACT GRANTING CENTRAL MINDANAO ENTERPRISE A FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN ICE PLANTS AND COLD STORAGE IN THE CITY OF BUTUAN AND THE MUNICIPALITIES OF CABADBARAN...

REPUBLIC ACT NO. 6119, August 04, 1969

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

SECTION 1. Subject to the conditions imposed by this Act, there is hereby granted to Central Mindanao Enterprise, hereinafter referred to as the grantee, a franchise to construct, and maintain ice plants and cold storage in the City of Butuan and the municipalities of Cabadbaran, Bunawan, Bayugan and Prosperidad, all in the Province of Agusan, for the purpose of manufacturing and distributing ice and supplying cold storage within said city and municipalities and to charge and collect a schedule of prices and rates for the ice and cold storage so furnished, which schedule of prices and rates shall at all times, be subject to the regulation by the Public Service Commission: Provided, That the price of ice so sold shall not exceed seven centavos a kilo.

SEC. 2. The grantee shall manufacture and supply ice up to the limit of the capacity of its plant or plants.

SEC. 3. The apparatus and appurtenances to be used by the grantee shall be modern, safe and first class in every respect. Whenever the Public Service Commission shall determine that public interest reasonably requires it, the grantee shall change or alter any of the apparatus and appurtenances at grantee's expense, and should the demand for ice at any time increase beyond the capacity of the plant of the grantee to supply the same, said capacity of the plant shall be increased by the grantee to meet such demand in accordance with the decision of the Public Service Commission or its legal successor.

SEC. 4. The grantee shall not commence any construction nor exercise the rights and privileges herein granted without first communicating to the Public Service Commission its acceptance and conformity to the terms and conditions of this franchise within two years from the date of the approval of this Act.

SEC. 5. The franchise shall continue for a period of twenty-five years from the date said plant or plants and/or cold storage is placed in operation and/or commences the manufacture and distribution of ice in the City of Butuan and the municipalities of Cabadbaran, Bunawan, Bayugan and Prosperidad, all in the Province of Agusan, subject to the express condition that this franchise shall be null and void unless construction of at least one ice plant and one cold storage be begun within seven years from the date of the approval of this Act and completed within four years from said date, except when prevented by an act of God, or force majeure, martial law, riot, civil commotion, usurpation by military power or any cause beyond the grantee's control: Provided, That if within a period of two years after the approval of this Act, the grantee shall not have commenced operation in any of the municipalities, then any person, association or corporation with franchise to conduct a business similar to that of the grantee may operate and furnish to said municipalities the service offered by the grantee.

SEC. 6. The books, records and accounts of the grantee shall always be open to inspection by the City Treasurer of Butuan and the Provincial Treasurer of Agusan or their authorized representatives, and it shall be the duty of

the grantee to submit to the above treasurers quarterly reports in duplicate showing gross receipts for the past quarter, one of which shall be forwarded by the City Treasurer and the Provincial Treasurer to the Auditor General, who shall keep the same on file.

SEC. 7. This franchise is granted subject to the provisions of Commonwealth Act Numbered One hundred forty-six, as amended, only with respect to the fixing of rates, in consideration of the franchise hereby granted, the grantee shall pay quarterly into the city treasury and municipal treasury in which it is operating, a tax equal to one-half of one per cent of the gross earnings it derives from its operation under this franchise in any of the above municipalities covered by this franchise for the first thirty-five years of operation and for the remaining fifteen years an amount equivalent to one per centum of its gross earnings. Said tax shall be in lieu of any and all taxes of any kind, nature, or description, levied, established, or collected by any authority whatsoever, municipal, provincial, or national, now or in the future, on its buildings and machineries over and under the ground, and on its franchise, rights, privileges, receipts, revenues and profits, for which taxes the grantee is hereby expressly exempted.

SEC. 8. The grantee may sell, lease, grant, convey, assign, give in usufruct, or transfer this franchise and all property and rights acquired thereunder to any individual, co-partnership, corporation or joint-stock company competent to operate the business hereby authorized under the provisions of the Constitution, as well as under the provisions of Act Numbered Fourteen hundred and fifty-nine, as amended: Provided, however, That any such sale, lease, grant, conveyance, assignment, gift in usufruct, or transfer shall not be effective unless and until the vendee, lessee, assignee, donee or transferee shall have communicated his/its acceptance and in which letter of acceptance of said vendee, lessee, grantee, assignee, donee or transferee shall state that it shall be firmly bound to comply with all the terms and conditions imposed upon the grantee by this franchise.

SEC. 9. In the event of any competing individual, association of persons, or corporation receiving from the Congress of the Philippines a similar franchise in which there shall be any term or terms more favorable than those herein granted or tending to place the herein grantee at any disadvantage, then such term or terms shall ipso facto become part of the terms hereof and operate equally in favor of the grantee as in the case of said competing individual, association of persons or corporation.

SEC. 10. This Act shall take effect upon its approval.

Enacted without Executive approval, August 4, 1969.

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