

AN ACT GRANTING CECILIO ARCINAS A FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM, AND AN ICE PLANT AND COLD STORAGE IN THE MUNICIPALITY OF...

REPUBLIC ACT NO. 4000, June 08, 1964

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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 terms and conditions established in this Act and in Act Numbered Thirty-six hundred and thirty-six, and to the provisions of the Constitution, there is granted to Cecilio Arcinas, hereinafter called the grantee, for a period of twenty-five years from the 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 distributing electric light, heat and/or power for sale in the Municipality of Brooke's Point; Province of Palawan, and an ice plant therein also for manufacturing and distributing ice and supplying cold storage in the whole Province of Palawan, and to charge and collect fees in accordance with a schedule of prices and rates for the electricity ice and so furnished, which schedule shall at all time subject to regulation by the Public Service Commission.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. The grantee shall manufacture and supply ice up to the limit of the capacity of his plant.

SEC. 4. All the apparatus and appurtenances to be used by the grantee shall be modern, safe and first class in every respect, and the grantee shall change or alter any of the apparatus and appurtenances at his expense whenever the Public Service Commission has determined that public interest reasonably requires it.

SEC. 5. If the grantee shall not commence the manufacture and distribution of ice and supply cold storage within one year from the approval of this Act, unless prevented by an act of God, or force majeure, martial law, riot, civil commotion, usurpation by a military power or any other cause beyond grantee's control, this franchise shall become null and void.

SEC. 6. This franchise is granted subject to the provisions of the Constitution and Commonwealth Act Numbered One hundred forty-six, as amended, only with respect to the fixing of rates and with the understanding and upon the condition that it shall be subject to amendment, alteration or repeal by the Congress of the Philippines when Public interest so requires.

SEC. 7. In consideration of the franchise and rights hereby granted, the grantee shall pay into the municipal treasurer of the municipality in which he is supplying electric current and ice to the public under this franchise, a tax equal to two per centum of the gross earnings from electric current and ice sold and/or cold storage supplied under this franchise in said municipality. Said tax shall be due and payable quarterly and 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 his poles, wires, insulators, switches, transformers and structures, installations, conductors, and accessories, placed in, on, over or under all public property, including public streets and highways, provincial roads, bridges and public squares, and on his franchise, rights, privileges, receipts revenues and profits, from which taxes the grantee is hereby expressly exempted.

SEC. 8. 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 a part of the terms hereof and shall operate equally in favor of the grantee as in the case of said competing individual, association of persons, or corporation.

SEC. 9. This Act shall take effect upon its approval.

Approved, June 8, 1964.

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