

AN ACT TO AMEND ACT NUMBERED THIRTY-SIX HUNDRED AND THIRTY-SIX PRESCRIBING THE FORM FOR BILLS ON ELECTRIC LIGHT AND POWER FRANCHISES, SO AS TO CONFORM TO THE CONSTITUTION, AND T...

Commonwealth Act No. 132, November 06, 1936

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. The first paragraph of section one of Act Numbered Thirty-six hundred and thirty-six is hereby amended to read as follows:

"SECTION 1. The National Assembly may, in its discretion, grant a franchise for electric light and power, upon prior filing of a written petition by an interested party together with one or more certificates of public convenience, issued by the Public Service Commission in accordance with the Act creating the said Commission, and to this effect, the following: form is prescribed for 'granting electric light and power franchises.'"

SEC. 2. Section eight of the form for electric light and power franchises is hereby amended so as to read as follows:

"SEC. 8. The grantee shall not exercise any rights or privileges under this franchise, nor commence any construction thereunder, unless and until the grantee shall first file with the Public Service Commission within one hundred and twenty days from the date of the approval of this Act:

"(1) His (its) written acceptance of the terms and provisions of this Act;

"(2) His (its) written acceptance of the terms and conditions of the first certificate or certificates of necessity and convenience required by law for the granting of this franchise and issued by the Public Service Commission, of the form and character provided for in Act Numbered Three thousand one hundred and eight, as amended.

"(3) A document or documents evidencing receipt by the Insular Treasurer, of the deposit or deposits required by law, of not less than one thousand pesos Philippine currency, or negotiable bonds approved by the Public Service Commission for each certificate of public necessity and convenience as an earnest of good faith and a guaranty that the grantee will complete the work within the period fixed by the Commission.

"If the grantee shall not commence the furnishing of electric current in any municipality (or municipalities) referred to in any certificate or certificates of public necessity and convenience, obtained and filed as herein provided within such period as the Public Service Commission or its legal successor shall have fixed, unless prevented by act of God or force majeure, usurped or military power, martial law, riot, civil commotion or other cause beyond his (its) control, said Commission or its legal successor may in its discretion declare such certificate or certificates to be null and void, and the deposit or deposits made by the grantee forfeited to such municipality as liquidated damages and not as a penalty."

SEC. 3. Section nine of the form for electric light and power franchises, is hereby also amended so as to read as

follows:

"SEC. 9. After compliance with the requirements of the next preceding section, the Public Service Commission or its legal successor, by proper order or writ, shall authorize the construction of necessary work for the purposes of this franchise, within a reasonable time to be determined by the said Commission.

"Upon determination by the Public Service Commission or its legal successor after a hearing upon reasonable written notice to the grantee that the grantee has violated any of the provisions of this section as to the commencement and/or completion of the work authorized by a certificate or certificates of the Public Service Commission or its legal successor, the said Commission or its legal successor shall declare the bond or bonds forfeited as liquidated damages and not as a penalty to the municipality in which the failure to perform occurred. If the failure occurred in more than one municipality, the Public Service Commission or its legal successor shall determine the portion which each municipality shall receive. The Public Service Commission or its legal successor shall order the return of the deposit required by section eight hereof, as amended, together with any interest or dividends thereon received by the Insular Treasurer, to the grantee upon the satisfactory completion of any work authorized by its certificate or certificates of public necessity, in accordance with the terms and conditions of the certificate or certificates obtained, and the Insular Treasurer shall return said deposit to the grantee together with said interest and/or dividends immediately upon presentation to him of a certified copy of such order of the Public Service Commission or its legal successor."

SEC. 4. Section twelve of the form for electric light and power franchises, is hereby likewise amended so as to read as follows:

"SEC. 12. This franchise is granted subject to the provisions of Act Numbered Three thousand one hundred and eight, as amended, and with the understanding and upon the condition that it shall be subject to amendment, alteration, or repeal by the National Assembly or by the Congress of the United States, and that it shall be subject in all respects to the limitations upon corporations and the granting of franchises contained in the Constitution of the Philippines, and also subject to the provisions of Act Numbered Fourteen hundred and fifty-nine of the Philippine Legislature, as amended."

SEC. 5. This Act shall take effect upon its approval.

Approved, November 6, 1936.

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