

AN ACT TO GRANT TO GABRIEL CENTENERA A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN A WATER SUPPLY SYSTEM IN MUNICIPALITY OF GOA, PROVINCE OF CAMARINES SUR.

REPUBLIC ACT NO. 785, June 21, 1952

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

SECTION 1. Subject to the conditions established under this Act and to the provisions of Commonwealth Act Numbered One hundred and forty-six, as amended, and the Constitution, there is hereby granted to Gabriel Centenera hereinafter known as the grantee, for a period of fifty years from the approval of this Act, the right, privilege and authority to construct, maintain and operate a water system for the purpose of distributing water for sale within the limits of the municipality of Goa, Province of Camarines Sur. For this purpose the grantee shall have the right and privilege:

- To construct, maintain and operate water mains, pipes, conduits, reservoirs, or dams on land owned or duly acquired or obtained by the grantee for said purpose;
- To install, lay, and maintain above or below the ground on the right of way duly acquired or obtained by said grantee, or below the ground on all streets, public thoroughfares and public places and along or under the bridges within the limits of the said municipality, water mains, pipes, and conduits, and all other necessary apparatus and appurtenances for the furnishing and distribution of water;
- To supply, sell, and furnish such water to any person, corporation, or public or private concern within the limits of the said municipality for domestic or manufacturing uses and for any other use to which water may be put, and to charge and collect a schedule of prices and conventional rates for the use of said water, which schedule of prices and rates shall at all times be subject to regulation by the Public Service Commission or its legal successor;
- To purify the sources of the water supply the reservoirs and the dams, subject to the approval of the Bureau of Health, and to regulate the control and use, and prevent the waste of water: Provided, That this franchise shall not take effect until the grantee shall have obtained from the Public Service Commission a certificate showing the public necessity and convenience thereof, according to the purpose of section fifteen of Commonwealth Act Numbered One hundred and forty-six, as amended, and shall have filed such certificate with the Secretary of Public Works and Communications, upon accepting this franchise: And provided, further, That if the grantee does not file the proper application for said certificate with the Public Service Commission, within three months from the date of the approval of this Act, this franchise shall become null and void.

SEC. 2. The grantee shall have the right to acquire or obtain by grant lease or purchase sufficient land for the construction of water reservoirs or dams, and the erection of buildings and of tanks at suitable heights for the storage of the water from said water reservoirs or dams, and a right of way separate from all streets and public highways not to exceed ten meters in width, from the location of each tank to the limits of the strong-material zone of the municipality above mentioned, and in order to acquire such land or any part thereof the grantee may institute proceedings in any competent court for the expropriation of all such land or any part thereof, as provided

by law.

SEC. 3. All water mains and pipes situated within the strong-material zone of the municipality of Goa, Province of Camarines Sur, as now or hereafter established by law, shall be placed at least forty-five centimeters below the surface of the ground as far as the upper part of such mains or pipes is concerned. The water mains or pipes between the reservoir and the source of supply and said limits of the strong-material zone of the municipality may be put above the ground on the grantee's right of way except where they cross a street or public place, in which case they shall be placed below the ground at the depth above mentioned. The construction and laying of the mains and pipes shall be done in a workmanlike manner, in accordance with a plan Previously approved by the Public Service Commission, and whenever it shall be necessary to change the level in any part thereof in order to avoid interference with any public sewer or drain constructed or to be constructed, the grantee herein shall forthwith change such portion of said mains and pipes as the Public Service Commission may direct in writing. Said grantee shall supply water to any applicant for the same, within fifteen days after the date of his application, in the order of the date of his application up to the limit of the capacity of the system of said grantee to be determined by the Public Service Commission on the application of said grantee, and should the demand for water at any time increase beyond the capacity of the system of said grantee to supply the same, the capacity of said system shall be increased by said grantee to meet such demand, in accordance with the decision of the Public Service Commission or its lawful successor: Provided, That the distribution system of the water pipes shall be installed, laid, maintained, and operated only on such streets and public places of the municipality as the Public Service Commission may designate: And provided, further, That the grantee in furnishing water to applicants therefor, as stated, shall make all connections with their mains and shall be entitled to demand a fair charge therefor as the Public Service Commission may by order provide.

SEC. 4. All apparatus and appurtenances used by the grantee shall be modern and first class in every respect, and the water mains and pipes shall, when laid in streets or public places, be so placed and maintained as not to interfere in any manner with the unrestricted use of such public places and streets. In the maintenance and operation of his water supply system, the grantee shall always be subject to such reasonable regulations as the Public Service Commission may promulgate in the premises.

SEC. 5. Whenever it shall be necessary in the laying of said mains or pipes to take up any portion of the sidewalks or dig up the ground of the sidewalks of public streets or thoroughfares, then the said grantee shall, after said mains or pipes are laid, without delay replace said sidewalks in the proper manner, or arrange said streets or public thoroughfares, removing from the same all rubbish, dirt, refuse, or other material which may have been placed there, taken up or dug up in the laying of said mains or pipes and leaving them in as good condition as they were before the work was done; and whenever it shall become necessary, by reason of the extension of roads determined upon by the provincial Board of Camarines Sur, or by reason of the extension of streets or plazas determined upon by the municipal council of the municipality above mentioned to change the location of said mains or pipes, such change shall be made by the grantee, his successors or assigns, at his expense, without delay, and said mains or pipes shall be placed where directed by said provincial board or said municipal council.

SEC. 6. The grantee hereby agrees to compensate the Government for any damage to its property by reason of the non-construction under this franchise or of any neglect or commission to keep the water mains, pipes, conduits, reservoirs, dams and other property in a safe condition, and to be responsible for any damage to individuals, copartnerships, private, public or quasi-public associations, corporations, or joint stock companies, arising out of such fault or negligence.

SEC. 7. Said grantee shall file his written acceptance of this franchise with the Secretary of Public Works and Communications within one hundred and twenty days from the date when he obtains the certificate required by

section one of this Act, and shall commence work under the supervision of the district engineer, in accordance with the specifications, and estimates previously approved by Public Service Commission, within six month's time and after the date of filing such acceptance, unless Prevented by act of God or force majeure, usurped or military power, martial law, riot, or civil commotion or other inevitable cause, and shall complete the system and have the same in operation 'within eighteen months from the of such acceptance, and shall thereafter maintain a class water system and furnish first-class service to public and to private consumers: Provided, That in consideration of the franchise hereby granted, the grant shall pay quarterly into the municipal treasury of the municipality above named, one per centum of the gross earnings of his business during the first thirty years, and two per centum during the remaining twenty years of the life of this franchise.

SEC. 8. Upon the acceptance of this franchise as provided in the next preceding section, the grantee shall deposit in the National Treasury or with any of its agents in the Province of Camarines Sur, ten per centum of the value of the investment in cash, in negotiable bonds of the Government of the Philippines or other securities approved by the Secretary of Public Works and Communications, as an earnest of good faith and a guaranty that he will begin the water supply business and may be completely provided with the necessary equipment therefor and ready to begin operation in accordance with the terms of this franchise: Provided, however, That if such deposit is in cash, it may be made in some official depository of the Government in the name of the grantee and subject to the order of the National Treasurer, who shall retain the evidence of the deposit so made. In this case, as well as in the case of the deposit being made in negotiable bonds or other securities, as provided in this section, the interest of the cash deposit or of the bonds or securities deposited, if any, shall belong to the grantee.

In case such grantee shall fail, refuse, or neglect, unless prevented by fortuitous cause or force majeure, the public enemy, usurped or military power, martial law, riot, civil commotion, or other inevitable cause, to commence the work for the water supply service within six months from the date of the acceptance of this franchise, or shall fail to provide the necessary equipment and be ready to operate within eighteen months after the date of such acceptance, in accordance with the terms of this franchise, then the deposit prescribed in this section and in the possession of the National Treasurer, whether in cash, bonds, or other securities, shall be forfeited to the provincial government of Camarines Sur, as damages for the breach of the implied contract involved in the acceptance of this franchise. In case the grantee begins to operate the water supply service, and is ready for operation under this franchise, within the time limits specified, the deposit provided for in this section shall, upon recommendation of the Public Service Commission or its legal successor, be returned by the National Treasury to said grantee: Provided, That the time during which such grantee has been prevented from carrying out the terms above mentioned, shall be added to the time granted by this franchise for the fulfillment of its conditions.

SEC. 9. This franchise is granted with the understanding and upon the condition that all lands or rights of use or occupation of lands secured by virtue of this franchise shall revert upon its termination to the national, provincial, or municipal governments which were the owners thereof upon the date on which this franchise was granted, and all property of the grantee used in connection with this franchise shall become the property of the National Government.

SEC. 10. The books and accounts of the grantee shall always be open to the inspection of the provincial treasurer and the provincial auditor of Camarines Sur or their authorized representatives, and it shall be the duty of the grantee to submit to the provincial treasurer reports every six months in duplicate showing the gross receipts and the net receipts for the past six months and the general condition of the business, one of which shall be forwarded by the provincial treasurer to the Auditor General, who shall keep the same on file.

SEC. 11. The grantee shall pay on his real estate, buildings, plant, machinery, and other personal property the same taxes as are now or may hereafter be required by law from other persons.

SEC. 12. The grantee herein shall not, without the approval of the Congress of the Philippines first had, lease, grant, sell, convey or give in usufruct this franchise and the property and rights acquired thereunder to any person corporation: Provided, That for the purpose of such lease grant, sale, conveyance, or giving in usufruct, it shall be necessary to file in the office of the Secretary Public Works and Communications an agreement in writing by which the person or corporation in whose favor such lease, grant, sale, conveyance, or giving in usufruct is made shall bind himself to comply with all existing terms and conditions: Provided, further, That in case of any national emergency affecting and endangering the public safety and order, the Government of the Philippines shall have the right to take possession of the water supply system as provided in this Act, and operate the same until such emergency shall have passed.

SEC. 13. The Public Service Commission or its legal successor, after hearing the interested parties, upon notice and order in writing, shall have the power to declare the forfeiture of this franchise and all rights inherent in the same for failure on the part of the grantee to comply with any of the terms and conditions thereof, unless such failure shall have been directly and primarily caused by the act of God, the public enemy, or force majeure. Against such declaration of forfeiture by the Public Service Commission or its legal successor, the grantee may apply for the remedies provided in sections thirty-five and thirty-six of Commonwealth Act Numbered One hundred and forty-six, as amended.

SEC. 14. It is expressly provided that in the event the National Government should desire to maintain and operate for itself the water system herein authorized, the grantee shall surrender his franchise and will turn over to the National Government the system and serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 15. The franchise herein granted shall be subject to amendment, alteration or repeal by the Congress when the public interest so requires.

SEC. 16. This Act shall take effect upon its approval.

Approved, June 21, 1952.

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