

AN ACT GRANTING ANTONIO H., GEORGE H., HERNANDEZ H., GABRIEL H., ALL SURNAMED VITERBO, AND VICTORIA VITERBO PEREZ, HEIRS OF MILAGROS HERNANDEZ VITERBO, AND EVANGELINE A., MILAGR...

REPUBLIC ACT NO. 4465, June 19, 1965

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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 granted jointly to Antonio H. Viterbo, Jr., George H. Viterbo, Hernandez H. Viterbo, Gabriel H. Viterbo, Victoria Viterbo Perez, successors-in-interest of Milagros Hernandez Viterbo, and Evangeline A. Hernandez, Milagros A. Hernandez, Cristina A. Hernandez, Jose A. Hernandez, and Corazon A. Vda. de Hernandez, heirs of Gabriel K. Hernandez, hereinafter referred to as the grantee, a franchise to construct, maintain and operate an ice plant and cold storage in Roxas City and in any municipality in the Province of Capiz, for the purpose of manufacturing, storing and distributing ice in the said city and in the whole province of Capiz and to charge and collect a schedule of prices therefor, which schedule shall at all times be subject to regulation by the Public Service Commission or its legal successors.

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

SEC. 3. 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, whenever the Public Service Commission shall determine that public interest reasonably requires it, change or alter any of such apparatus and appurtenances at grantee's expense.

SEC. 4. This franchise shall continue for a period of twenty-five years from the date of approval of this Act and is subject to the express condition that the same shall be null and void unless the construction of said plant be begun within one year from the date of approval of this Act and be completed within two 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 other cause beyond the grantee's control.

SEC. 5. In consideration of the franchise and rights hereby granted, the grantee shall pay into the Internal Revenue Office in the City of Roxas or in each municipality in which it has an ice plant under this franchise, a tax equal to two per centum of the gross receipts from ice sold under this franchise. Said tax shall be in lieu of any and all taxes, duties, fees, charges and/or licenses of any kind, nature or description, levied, established or collected by any authority whatsoever, city or municipal, provincial or national, now or in the future, on ice plant structures and realty, installations, equipment and accessories, franchises, rights, ice sales receipts, revenues and profits, any provision of law to the contrary notwithstanding.

SEC. 6. This franchise is granted subject to the provisions of Commonwealth Act Numbered One hundred forty-six, as amended, insofar as the same is not inconsistent with the provisions of this Act, 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 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 shall operate equally in favor of the grantee as in the case of paid competing individual, association of persons or corporation.

SEC. 8. This Act shall take effect upon its approval.

Approved, June 19, 1965.

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