

AN ACT GRANTING TO THE COMMERCIAL PACIFIC CABLE COMPANY A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE IN AND BETWEEN THE MUNICIPALITIES OF BACON AND SORSOGON OF THE PROVINCE O...

Act No. 2888, February 24, 1920

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. There is hereby granted and conceded to the Commercial Pacific Cable Company, a corporation organized under the laws of the State of New York in the United States of America, its successors or assigns, the right and privilege of constructing, maintaining and operating in and between the municipalities of Bacon and Sorsogon, Province of Sorsogon, an underground section for its cable which at present passes through the San Bernardino Straits.

SEC. 2. This grant and concession shall be for a period of fifty years and is made upon the express condition that the same shall be void unless the construction of said underground section is begun within one year from the date of the approval of this Act and is completed and in operation within two years from said date.

SEC. 3. The said company shall not engage in the domestic business of transmitting messages between the municipalities aforesaid.

SEC. 4. Under and by virtue hereof a right of way through the public lands of the Philippine Government between the said municipalities of Bacon and Sorsogon is hereby granted, and for the purpose of laying and maintaining said underground cable section, it shall be lawful for the grantee, its successors or assigns, under such regulations and orders as may be prescribed by Insular, provincial, city, or municipal authorities, to make excavations and lay conduits in any of the public places, lands, roads, highways, streets, lanes, alleys, avenues, bridges, or sidewalks in or between the said municipalities of Bacon and Sorsogon: Provided, however, That any public place, road, highway, street, lane, alley, avenue, bridge, or sidewalk disturbed, altered, or changed by reason of the laying underground of wires or other conductors shall wherever disturbed, altered, or changed, be repaired and replaced in a good, substantial, and workmanlike manner by said grantee, its successors or assigns, to the satisfaction of the Insular, provincial, city, or municipal authorities, as the case may be. Should the grantee, its successors or assigns, after reasonable written notice from said authorities, fail, refuse, or neglect to repair and replace in a good, substantial and workmanlike manner to the satisfaction of said Insular, provincial, city, or municipal authorities any part of a public place, road, highway, street, lane, alley, avenue, bridge, or sidewalk altered, changed, or disturbed by said grantee, its successors or assigns, then the Insular, provincial, city, or municipal authorities, as the case may be, shall have the right to have the same property repaired and placed in good order and condition at the cost and expense of the grantee, its successors or assigns.

SEC. 5. The grantee herein is hereby granted the right to expropriate such real estate as may be necessary for the purposes of the franchise granted in this Act: Provided, That no private property shall be taken for any purpose by

the grantee of this franchise, its successors or assigns, without proper condemnation proceedings, in accordance with the existing laws in the premises, and just compensation paid or tendered therefor, and any authority to take and occupy land contained herein shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted: Provided, further, That all lands or rights of use or occupation of lands granted to the grantee, its successors or assigns shall, upon the termination, repeal, or cancellation of this franchise revert to the Insular, provincial or municipal governments which were the owners thereof upon the date of the granting of the same, or by whom the right of use or occupation was granted to the grantee, its successors or assigns.

SEC. 6. The grantee, its successors or assigns, shall hold the Insular, provincial, and municipal governments of the Philippine Islands harmless from all claims, accounts, demands, or actions arising out of accidents or injuries, whether to property or to persons, caused by reason of the Construction, making, or operation of the underground section herein permitted under this franchise.

SEC. 7. The grantee, its successors or assigns, shall keep a separate account of the gross receipts of the business transacted by it in the Philippine Islands and shall furnish to the Insular Auditor and the Insular Treasurer a copy of such account not later than the thirty-first day of January of each year for the preceding year. For the purpose of auditing accounts so rendered to the Insular Auditor and Insular Treasurer all of the books and accounts of the grantee, its successors or assigns, so far as they relate to the business transacted in the Philippine Islands, shall be kept in the Philippine Islands, and shall be subject to the official inspection of the Insular Auditor, or his authorized representatives, and in the absence of fraud or mistake the audit and approval by the Insular Auditor of the accounts so rendered to him and to the Insular Treasurer shall be final and conclusive evidence as to the amount of said gross receipts.

SEC. 8. The grantee, its successors or assigns, shall pay the Insular Treasurer each year, within ten days after the audit and approval of the accounts as prescribed in section seven of this Act, one twentieth of one per centum of all gross receipts for business transacted under this franchise by said grantee, its successors or assigns, in the Philippine Islands, and the said percentage shall be in lieu of all taxes on the franchise or earnings thereof.

SEC. 9. Said grantee shall file its written acceptance of this franchise with the Secretary of Commerce and Communications within one hundred and forty days from the date of the approval of this Act, and the concession of the right, privilege, and authority mentioned in the preceding sections shall not take effect unless the grantee shall include in said acceptance and make part of this concession the following condition, to wit:

"That the grantee state in writing that it is informed of the message of the President of the United States addressed to the Filipino people and communicated to said people by the Governor-General of the Philippine Islands on the sixth day of October, nineteen hundred and thirteen, and of the reply message of the Philippine Assembly made in the name of the Filipino people and approved and sent on October sixteenth, nineteen hundred and thirteen; that said grantee binds itself not to engage in or aid, by means of contributions in cash or otherwise, any propaganda directed against the policy of the Government of the United States outlined in such message of the President and the aspirations of the Filipino people set forth in said reply message of the Philippine Assembly, whether under the pretext of vested interests or under any other pretext, and that said grantee shall further bind itself to exact a similar engagement from its administrators, agents, successors and assigns."

SEC. 10. This franchise is granted with the understanding and upon the condition that it shall be subject to amendment, alteration, or repeal by the Congress of the United States as provided in section twenty-eight of the Act of Congress approved August twenty-ninth, nineteen hundred and sixteen, entitled "An Act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands,

and to provide a more autonomous government for those Islands," or by the Philippine Legislature.

SEC. 11. Whenever in this franchise the term "grantee" is used, it shall be held and understood to mean and represent the Commercial Pacific Cable Company, its representatives, successors, or assigns.

SEC. 12. This Act shall take effect on its approval.

Approved, February 24, 1920.

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