

AN ACT GRANTING LOURDES E. BENGZON A FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN AN ICE PLANT AND COLD STORAGE IN THE MUNICIPALITY OF BUGALLON, PROVINCE OF PANGASINAN, AND TO S...

REPUBLIC ACT NO. 5419, June 15, 1968

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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 Commonwealth Act Numbered One hundred forty-six, as amended, and to the provisions of the Constitution, there is hereby granted to Lourdes E. Bengzon, hereinafter referred to as the grantee, for a period of twenty-five years from the approval of this Act, a franchise to construct, operate and maintain an ice plant and cold storage in the Municipality of Bugallon, Province of Pangasinan, for the purpose of manufacturing ice for distribution and sale, and for supplying cold storage in the Municipalities of Lingayen, Bugallon, Mangatarem, Aguilar, Binmaley and Urbiztondo, and to charge and collect a schedule of prices and rates therefor which schedule shall at all times be subject to regulation by the Public Service Commission or its legal successor: Provided however, That the Public Service Commission shall only have the power to fix prices and rates and shall have no power to deny the grantee the right, privilege and authority to construct, operate and maintain said ice plant and cold storage.

SEC. 2. The grantee shall manufacture and supply ice up to fifty tons, the maximum capacity of her ice plant cold storage, which shall be determined by the Service Commission, or its legal successors.

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

SEC. 4. If the grantee shall not commence the construction of her plant within two years from the approval of 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 the grantee's control, this franchise shall become null, and void.

SEC. 5. 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 Philippines when the public interest so requires.

SEC. 6. The books, records and accounts of the grantee shall always be open for inspection by the Auditor General and quarterly reports shall be prepared in duplicate showing the gross receipts for the quarter past.

SEC. 7. In consideration of the franchise and rights hereby granted, the grantee shall pay a franchise tax to five per centum of the gross earnings under this franchise, two per centum of which shall accrue to the National Government and three per centum to the municipality where the franchise is in operation.

SEC. 8. This franchise is granted subject to the provisions of Commonwealth Act Numbered One hundred forty-six, as amended, only with respect to the fixing of rates.

SEC. 9. In the event of any competing person, natural or juridical, 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 in the case of such competing person.

SEC. 10. This Act shall take effect upon its approval.

Enacted without Executive approval, June 15, 1968.

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