

AN ACT AUTHORIZING THE GOVERNOR-GENERAL TO SELL OR LEASE THE BUILDINGS AND OTHER PROPERTY KNOWN AS THE INSULAR COLD-STORAGE AND ICE PLANT, AND TO LEASE THE LAND ON WHICH THE SAM...

Act No. 2306, December 19, 1913

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By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. The Governor-General is hereby authorized and empowered to sell, grant, and convey the property of the Government of the Philippine Islands, hereinafter called the "Government," situated on the shore of the Pasig River between the Santa Cruz Bridge and the approach to the suspension bridge across the Pasig River, and lying between said river and Calle Arroceros, including all the buildings, machinery, vehicles, equipment, and supplies thereon which are now used in the operation of what is known as the Insular cold-storage and ice plant, herein-after called the "plant," except the land whereon the same is located hereinafter called the "land," and to lease the land or part of such land to the buyer of the plant for a term not exceeding fifty years, under the terms and conditions hereinafter set forth.

SEC. 2. The Governor-General before selling the plant or leasing the land shall cause advertisement to be published twice each week for one month in not less than three representative journals published in the United States and in not less than two newspapers published in the Philippine Islands, of which at least one shall be published in the English and one in the Spanish language. Such advertisement shall announce that the said plant is for sale, and the land for lease, and all the terms and conditions herein prescribed governing said sale and lease; that sealed bids will be received at the office of the Governor-General not later than a day certain to be specified in the advertisement, which shall be not earlier than six weeks nor later than four months after the date of the last publication of the advertisement herein contemplated. Each bid shall be accompanied by a certified check payable to the Government of the Philippine Islands for five per centum of the amount of the bid as security for the fulfillment of the contract should the bid be accepted. The right to reject any and all bids is hereby reserved to the Governor-General.

SEC. 3. Not less than one-third part of the sum offered for the plant shall be paid in money to the Treasurer of the Philippine Islands by or on behalf of the person or persons whose offer has been accepted within thirty days after notification of the acceptance of the bid, and in any event before the conveyance of the plant and lease of the land shall be delivered, nor shall such conveyance and lease be delivered until the purchaser shall have entered into a contract with the Government to pay the remainder of the purchase price agreed upon in not more than two equal annual installments with interest thereon at the rate of six per centum per annum, and shall have signed, executed, and delivered a good and sufficient mortgage to the Government to secure the payment of the remainder of the purchase price: Provided, however, That should a successful bidder fail to pay the one-third of the amount bid and accepted within the time herein provided, or in case of failure to agree on the terms of the payment of the remainder of the purchase price, the Governor-General is hereby authorized and empowered to readvertise for bids for a period within his discretion or to accept any other satisfactory offer for purchase or lease upon the terms

and conditions prescribed by this Act.

SEC. 4. In the event that a satisfactory offer cannot be obtained for the purchase of the plant as aforesaid, the Governor-General is hereby authorized and empowered to lease the said plant, together with the land pertaining thereto, for a term not to exceed twenty years under the conditions prescribed in section two hereof as to advertising, and upon the further condition that the lease, when executed, shall require the lessee thereunder to make from time to time such repairs as may be necessary to maintain said plant in as satisfactory condition as it will be when the repairs now in process shall have been completed. Said lease shall also provide that the lessee file a bond satisfactory to the Governor-General as a guaranty of his faithful performance of the terms and conditions of said lease: Provided, That the Governor-General may, in his discretion, cause advertisement to be made, at one and the same time, for bids both for the lease and for the purchase of said plant, accepting whichever proposition may, in his judgment, be most advantageous to the Government.

SEC. 5. The purchaser or lessee of the said plant shall be required to take over and assume all existing contracts between the Government and third parties for the supply of ice, water, cold-storage space, and other materials, or service and be subrogated to all the rights, liabilities, and obligations of the Government under said contracts: Provided, That said contracts shall be renewable at the discretion of the party or parties with whom they are now made, upon the existing conditions for a period not exceeding two years from the date or dates now provided for their expiration.

SEC. 6. The right shall be reserved to the Government at any and all times, through its duly authorized officers to enter the plant, for purposes of inspection, to see that the plant is kept and operated in a clean and sanitary manner, and that the manufacture of water and of ice and the storage of meats, fruits and vegetables, and of foods is carried on under proper sanitary precautions; to prescribe rules and regulations not unreasonable in character for the sanitary operation of the plant, the purity of its products, and the cleanliness of its wagons and other means or vehicles of delivery, and to order destroyed or to destroy at the expense of the owners thereof any and all deleterious, offensive, or unwholesome substances, foods, merchandise, ice, or water which may be found upon the premises, or at the expense of the owners or lessees of the plant to supervise such disposition of unwholesome or bad ice or water as will effectually obviate the use or consumption thereof by human beings or the contamination thereby of articles of food for human beings.

SEC. 7. The right shall be further reserved to the Government of the Philippine Islands through its duly authorized officers at any and all reasonable hours to have access to the books and accounts of the owners or lessees of the plant; to fix when necessary minimum space to be rented to the public for storage and maximum rates and amounts for space for storage and for water, ice, and any other product or output of the plant and meats, fruits, vegetables, and other foods stored therein; to require uniform rates to be charged and paid under uniform conditions for space in or for products of the plant.

SEC. 8. The conditions in this Act prescribed in sections five, six, and seven hereof shall attach to the plant and follow the same into the hands of any and all subsequent owners, buyers, grantees, or lessees, and the plant shall always be subject to the like supervision and control as herein determined, and as is provided by general law for manufactories, businesses or industries of a quasi public character likely to have deleterious or harmful effect upon the public health or to affect competition in a manner harmful or disastrous to the public welfare.

SEC. 9. Before such said property described in section de one shall be sold or leased, the definite boundaries thereof shall be accurately ascertained, and the property so sold or leased shall be so described in the conveyance selling or leasing the same. The land occupied by said property and appurtenant thereto, together with the buildings situated thereon and the property and equipment used in maintaining and operating the plant, shall be

duly appraised by a committee of three persons to be appointed by the Governor-General, and such said appraisal shall be used together with the net annual profits of the operation of the plant as a basis of determining the sale price of said property, or if leased, of the annual rental of said property, which shall include the rental of said real estate so occupied by said plant and all appurtenances and equipment thereto belonging. In determining what appurtenances and equipment are sold or leased a schedule thereof shall be made which said schedule shall become a part of the contract of lease or sale, and such property, vehicles, equipment, and other articles included in such contract of sale or lease shall be inventoried so that such articles and property may be properly identified at the expiration of said lease. If any such property or vehicles are worn out in the service, or are no longer existing, then an inventory of such property or vehicles as have been substituted for such property or vehicles shall be made from time to time, as such substitute property or vehicles shall be acquired; and a schedule thereof shall be made at the expiration of said lease and a proper inventory of the value made. If such property be not substituted in kind and value, then the lessees upon the expiration of said lease shall pay the difference in value thereof in money.

SEC. 10. The conveyance of the plant executed by the Governor-General by virtue of the authority conferred upon him in this Act, shall set forth that all conditions herein fixed and prescribed as preliminary to the sale and lease have been carried out and fulfilled and shall upon execution by him and delivery vest in the person named in said conveyance all and singular the rights, title, and interest of the Government in said plant, excepting such property, vehicles, and equipment as are not included in the contract of sale or lease, which property, vehicles, and equipment shall continue to belong to the Government. The Governor-General is hereby authorized to arrange with the prospective purchaser or lessee of the plant, the terms upon which the repairs now in process and the installation of the machinery now ordered are to be completed.

SEC. 11. All moneys received by virtue of the provisions of this Act shall be turned into the Insular Treasury, form a part of the general funds, and shall be available by Acts of the Philippine Legislature and not otherwise.

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

Enacted, December 19, 1913.

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