

AN ACT GRANTING HADJI DATU ABUBAKAR PEN-DATUN A FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM AND AN ICE PLANT IN THE MUNICIPALITY OF SUL...

REPUBLIC ACT NO. 3212, June 17, 1961

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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 Act Numbered Thirty-six hundred and thirty-six, as amended by Commonwealth Act Numbered One hundred and thirty-two, and to the provisions of the Constitution, there is granted to Hadji Datu Abu-bakar Pendatun, hereinafter called the grantee, for a period of twenty-five years from the approval of this Act, the right, privilege and authority to construct, operate and maintain an electric light, heat and power system for the purpose of generating and distributing electric light, heat and/or power for sale within the Municipality of Sultan sa Barongis, Province of Cotabato, and to construct, operate and maintain an ice plant in the said municipality, for the purpose of manufacturing and distributing ice and to charge and collect a schedule of prices and rates for the ice so furnished, which schedule of prices and rates shall at all times be subject to regulation by the Public service Commission.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat:and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and inbehalf of the public consumers with reference to rates.

SEC. 3. The grantee shall manufacture and supply ice up to the limit of the capacity of his plant, said limit to be determined by the Public Service Commission.

SEC. 4. 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 the public interest reasonably requires it, change or alter any of his apparatus and appurtenances at grantee's expense.

SEC. 5. If the grantee shall not commence the manufacture and distribution of ice within one year from the approval of this 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. 6. This franchise is granted subject to the provisions of the Constitution and Commonwealth Act Numbered One hundred forty-six, as amended, 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. The books, records and accounts of the grantee shall always be open to the inspection of the Auditor General or his authorized representatives, and it shall be the duty of the grantee to submit to the Auditor General quarterly reports in duplicate showing the gross receipts for the quarter past.

SEC. 8. 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 police 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 as in the case of said competing individual, association of persons, or corporation.

SEC. 9. It is expressly provided that in the event the Government should desire to operate and maintain for itself the system and enterprise herein authorized, the grantee shall surrender his franchise and shall turn over to the Government all serviceable equipment therein, at cost, less reasonable depreciation.

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

Approved, June 17, 1961.

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