

AN ACT EXTENDING AND CONSOLIDATING THE TERMS OF THE FRANCHISES GRANTED BY THE PHILIPPINE LEGISLATURE AND THE MUNICIPAL COUNCILS OF CAMALIGAN, CANAMAN, MAGAITAO, BONBON, AND CALA...

REPUBLIC ACT NO. 934, June 20, 1953

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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 provisions of the Constitution of the Philippines and of this Act, the terms of the franchise granted under Act Numbered Twenty-six hundred and forty-seven, as amended by Act Numbered Twenty-eight hundred and eighty-two, to Mariano Abella e Isaac, and later assumed and taken over by the Bicol Electric Company, to install, operate and maintain an electric light, heat, and power system in the City of Naga; and of the franchises granted by resolutions of the municipal councils of Camaligan, Canaman, Magarao, Bonbon, and Calabanga in the Province of Camarines Sur; of the municipal councils of Ligao, Oas, and Guinobatan in the Province of Albay; and of the municipal council of Gubat in the Province of Sorsogon, to the Manila Electric Company, and later assumed and taken over by the Bicol Electric Company to install, operate and maintain an electric light, heat, and power system in their respective municipalities, are hereby consolidated and revised, and the duration of said franchises are extended for a period of twenty-five years from the date of the approval of this Act.

SEC. 2. The poles erected by the grantee shall be of such a height as to maintain the wires stretched on the same at a distance of at least twenty feet above the level of the ground, and shall be of such appearance as not to disfigure the streets, and shall be placed with due regard for the public safety, in accordance with a plan previously approved by the Public Service Commission after hearing the municipal or city authorities concerned.

SEC. 3. Said grantee shall supply electric power, heat and light to any applicant for the same within fifteen days after the date of his application in the order of the date of the applications up to the limit of the capacity of the plant of said grantee, to be determined by the Public Service Commission, and should the demand for electric power, heat and light at any time increase beyond the capacity of the plant of said grantee to supply the same, the capacity of said plant shall be increased to meet such demand, upon authorization by the Public Service Commission: Provided, That the point at which the electric power, heat or light is to be supplied shall not be more than eighty meters from the lines or wires operated by said grantee.

SEC. 4. All apparatus and appurtenances used by the grantee or used thereafter by its successors or assigns shall be modern, safe, and first class in every respect, and the electric transmission wires shall be insulated and carefully connected and fastened so as not to come in direct contact with any object through which a "ground" could be formed, and shall be stretched so as not to interfere with the free use of public streets and thoroughfares: Provided, That whenever the Public Service Commission shall determine that the public interest reasonably requires it, the grantee shall place said wires in underground pipes or conduits at its own expense, and without any cost or prejudice to the municipality or city.

SEC. 5. Whenever it shall be necessary in the erection of said poles or in the placing of said wires in underground pipes or conduits, to take up any portion of the sidewalks or dig up the ground near the sidewalks or corners of the public streets or thoroughfares, then the said grantee, its successors or assigns, shall, after said poles or underground pipes or conduits are erected or constructed, without delay, repair and rearrange said sidewalks and other property as they were before and remove from the said public streets or thoroughfares all rubbish, dirt, refuse, or other materials which may have been placed there, taken up, or dug up in the erection of said poles or construction of underground pipes or conduits, leaving them in as good condition as they were before the work was done.

SEC. 6. The grantee shall be liable for any injury arising from any claims caused by accidents to person or property by reason of the construction under this franchise, or of any neglect or omission to keep the said poles and wires in a safe condition.

SEC. 7. The City of Naga and the municipalities concerned shall have the privilege, without compensation, of using the poles of the grantee for the purpose of installing, maintaining, and operating a telephone or fire and police alarm system, but the wires of such telephone or fire and police alarm system shall be placed and stretched in such manner as to cause no interference with or damage to the wires of the electric service of the grantee.

SEC. 8. At any time during the life of the franchise as hereby extended or at the termination thereof due to expiration or for any cause whatsoever, the Government of the Republic of the Philippines may purchase, and in such event the grantee shall sell thereto, all its entire property, including its lines, power plants, sub-stations, transmission and distribution systems, real estate, buildings, plants, rights and other properties used by it in the operation of its electric light, heat, and power system under its franchise at the fair valuation thereof appearing in the books of the grantee and approved by the Public Service Commission, excluding therefrom the money value of the earning capacity of the business for the unexpired period of the franchise, and deducting therefrom the balance of the accrued depreciation appearing in the books of the grantee based on rates of depreciation approved by the Public Service Commission.

SEC. 9. The grantee herein, its successors or assigns shall continue to charge and collect the fees, charges and prices heretofore authorized by law or regulations approved by the Public Service Commission for services rendered by said grantee until they are altered or new ones are approved by the Public Service Commission after hearing held for said purpose in accordance with law.

SEC. 10. The books, records and accounts of the grantee shall always be open to the inspection of the Auditor General or his authorized representative upon request of the Public Service Commission.

SEC. 11. The grantee herein, its successors or assigns, may with the prior approval of the Congress, sell, lease, grant, convey, assign, give in usufruct, or transfer this franchise or the service in all or in any of the localities mentioned in section one, and all property and rights acquired thereunder, to any person or corporation: Provided, That for the purpose of the sale, lease, granting conveyance, assigning, giving in usufruct, or transfer, it shall be necessary to file in the office of the Public Service Commission, for approval, an agreement in writing wherein the buyer, lessee, grantee, conveyee, assignee, usufructuary, or transferee agrees to comply with all the terms and conditions imposed on the grantee, its successors or assigns, by the franchise and accepts the franchise subject to all its existing terms and conditions.

SEC. 12. In consideration of the franchise hereby granted, the grantee, its successors or assigns, shall pay quarterly into the treasury of the City of Naga and into the treasury of each of the municipalities mentioned in section one a tax equal to two per centum of the gross earnings from electric current sold or supplied under this franchise in said city and each of said municipalities. This tax shall be in lieu of all other taxes on all properties,

except real property, used by the grantee under this franchise.

SEC. 13. Such provisions of Act Numbered Thirty-six hundred and thirty-six and its amendments as are not inconsistent herewith are hereby made a part hereof.

SEC. 14. The terms and conditions in the franchises herein consolidated which are inconsistent with the provisions of this Act or no longer applicable or enforceable are hereby repealed.

SEC. 15. This Act shall take effect upon its approval.

Approved, June 20, 1953.

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