

AN ACT GRANTING TO JULIAN M. LOCSIN ANSON A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT, AND POWER SYSTEM IN THE MUNICIPALITY OF ALBAY, INCLUDING ITS TWO...

Act No. 2475, February 05, 1915

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

SECTION 1. Subject to the conditions established in this Act and the provisions of Act Numbered Twenty-three hundred and seven and amendments thereof, applicable hereto, there is hereby granted to Julian M. Locsin Anson, his successors and assigns, for a period of fifty years from the passage of this Act, the right, privilege, and authority, to construct, maintain, and operate in all streets, public thoroughfares, and public places in the municipality of Albay, including its two districts of Daraga and Legaspi, in the Province of Albay, Philippine Islands, poles, wires, and all necessary apparatus and appurtenances for the transmission and distribution of current for electric power, heat, and light, and for any other purpose for which electricity may be used, and to furnish electric power, heat, and light within said municipality of Albay, with its two districts of Daraga and Legaspi, in the Province of Albay, Philippine Islands, for municipal, domestic, or manufacturing uses and for any other use to which electricity may be put, and to charge and collect a schedule of prices and conventional prices for the use of the same: Provided, That said prices shall always be subject to rules provided by Act of the Legislature or by the entities or authorities authorized by law, and shall in no case exceed thirty centavos per kilowatt.

SEC. 2. The concession of the right, privilege, and authority mentioned in the preceding section shall not take effect unless the grantee and his successors or assigns shall accept in writing and make part of this concession the following condition, to wit:

"That the grantee and his successors or assigns state in writing that they are 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 and his successors or assigns bind themselves 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 said grantee and his successors or assigns shall further bind themselves to exact a similar engagement from their administrators, agents, successors, and assigns."

SEC. 3. The poles erected by the grantee and his successors or assigns shall be of such a height as to maintain the wires stretched on the same at a distance of at least fifteen 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 such manner as not to constitute a menace to the same, according to the opinion of the municipal authorities, expressed by the

municipal president in their behalf, and said grantee service, shall supply electric power, heat and light to any applicant for the same up to the limit of the capacity of the plant of said grantee, 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, said increase to be subject to the conditions of this Act.

SEC. 4. All apparatus and appurtenances used by the Equipment, grantee or hereafter used by his successors or assigns shall be modern, and the electric 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 the wires conducting electricity shall be stretched so as not to interfere with the free use of said streets and public thoroughfares: Provided, That the grantee and his successors or assigns herein shall, whenever the Philippine Legislature or its successors so direct, place said wires conducting electricity in underground pipes or conduits at their own expense and without any cost or damage to the municipality of Albay or its districts of Daraga and Legaspi.

SEC. 5. Whenever it shall be necessary in the erection use of streets and of said poles to take up any portion of the sidewalk or dig up the ground near the sides or the corners of the streets or public thoroughfares, then the said grantee and his successors or assigns shall, after said poles are erected, without delay replace said sidewalks in the proper manner and remove from the said streets or public thoroughfares all rubbish, dirt, refuse or other material which may have been placed there, taken up, or dug up in the erection of said poles, leaving them in as good a condition as they were before the work was done.

SEC. 6. Whenever any person has obtained permission to use any of the streets or public thoroughfares of the municipality of Albay or its districts of Daraga and Legaspi, for the purpose of removing any building or in the prosecution of any municipal work, making it necessary to raise or remove any of said electric wires which may obstruct the removal of said building or hinder the prosecution of said work, the said grantee and his successors or assigns, by resolution of the municipal authorities, and upon at least forty-eight hours' notice of the necessity of carrying out such work, shall raise or remove any of said wires which may hinder the prosecution of such work or obstruct the removal of said building, so as to allow the free and unobstructed passage of said building and the free and unobstructed prosecution of said work, it being the duty of the person or entity at whose instance the removal of the building or structure has been made to pay one half the actual cost of replacing the poles and of putting or removing the wires or other overhead or subterranean conduits. Such notice shall be a duly adopted resolution of the municipal council, in writing and served upon said grantee or its duly authorized representative or agent by any person competent to be a witness in a civil action; and in case of the refusal or failure of said grantee to comply with such notice, the municipal president, with the proper approval of the municipal council first had, shall order such wires to be raised or removed at the expense of said grantee, for the purposes aforesaid: Provided, however, That the grantee may appeal from any such resolution to the Governor-General, whose decision in this matter shall be final.

SEC. 7. The grantee shall be liable to the municipality of Albay, including the districts of Daraga and Legaspi, 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. 8. Said grantee shall file his acceptance of this franchise with the Secretary of Commerce and Police, within one hundred and twenty days from date thereof, shall commence work within at least six months' time from and after the date of filing such acceptance, unless prevented from so doing by fortuitous cause or force majeure, usurped or military power, martial law, riot, civil commotion, or other inevitable cause, and have the same in operation within eighteen months from the date of such acceptance and shall thereafter maintain a first-class electric light, heat and power service: Provided, That in consideration of the franchise hereby granted, the grantee,

his successors or assigns shall pay quarterly into the treasury of Albay or into that of Daraga and Legaspi, in case the two latter are organized by competent authority as independent municipalities, with their own revenues, in accordance with law, such percentage of his gross earnings as required by other existing franchises.

SEC. 9. Upon the acceptance of this franchise, within six months from and after the passage of this Act, the grantee or his successors or assigns shall deposit in the Insular Treasury or with any of its agents in the Province of Albay, within one month after such acceptance, one thousand pesos, or negotiable bonds of the United States or other securities approved by the Secretary of Commerce and Police, of the face value of one thousand pesos, as an earnest of good faith and a guarantee that they will begin the electric light, heat, and power system and may be completely provided with the necessary equipment therefor and ready to begin operation under this franchise: Provided however, That if such deposit is in cash, it shall be deposited at interest in some bank, and the interest shall be paid by the Insular Treasury to the grantee or his successors or assigns, on application: And provided, further, That in case the deposit made in the Insular Treasury or with any of its agents in the Province of Albay consists in negotiable bonds of the United States or in other interest-bearing securities, the interest shall be collected by the Insular Treasurer and paid to the grantee or his successors or assigns, on application by the latter.

In case such grantee, his successors or assigns, shall fail, refuse or neglect, unless prevented by fortuitous cause or force majeure, the public enemy, usurped or military power, martial law, riot, civil commotion or other inevitable cause, to commence the work for the electric light, heat and power service within six months from the date of the passage of this Act, or shall fail to provide the necessary equipment and be ready to operate, within eighteen months after the passage of this Act, in accordance with the terms of this franchise, then the deposit prescribed in this section and in the possession of the Insular Treasurer, whether in cash, bonds, or other securities, shall be forfeited to the municipal government of Albay, or divided in three equal parts between the three municipalities, in the event that the forfeiture takes place after the three municipalities at present making up the municipality of Albay have been declared such by competent authority, as damages for said failure. In case the grantee, his successors or assigns begin to operate the electric light, heat and power service, or are ready for operation under this franchise, within six months after the passage of this Act, the deposit provided for in this section shall be returned by the Insular Government to said grantee, his successors or assigns: Provided, however, That the operation of such electric light, heat and power service under this franchise anywhere within the limits of the municipality of Albay, including its two districts of Daraga and Legaspi, shall be considered as the beginning of the operation of said service for the purposes of this Act: Provided, further, That the time during which such grantee, his successors or assigns have been prevented by any of the causes above referred to from carrying out the terms and conditions of this franchise, shall be added to the time granted by this franchise for the fulfillment of its conditions.

SEC. 10. The municipality of Albay, including its two districts of Daraga and Legaspi, 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. 11. 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 seventy-four of the Act of Congress approved July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and that it shall be subject, in all respects, to the limitations upon corporations and the granting of franchises contained in said Act of Congress, and that all lands or rights of use or occupation of lands secured by virtue of this franchise shall

revert upon its termination to the Insular, provincial, or municipal governments, who were the owners thereof upon the date on which this franchise was granted.

SEC. 12. The grantee of this franchise, his successors or assigns, are forbidden to issue stock or bonds under this franchise except in exchange for actual cash or for property at a fair valuation equal to the par value of the stock or bonds issued and upon prior authorization by the Board of Public Utility Commissioners. Nor shall said grantee, his successors or assigns declare any stock or bond dividend.

SEC. 13. The books and accounts of the grantee, his successors or assigns shall, at all times, be subject to the official inspection of the Insular Auditor or his duly authorized representative.

SEC. 14. The grantee, his successors or assigns, shall pay on his real estate, property, buildings, plant, machinery, and other personal property the same taxes as are now or may hereafter be required by law from other persons.

SEC. 15. The grantee, his successors or assigns may, with the prior approval of the Board of Public Utility Commissioners, sell, lease, give, grant, convey, or assign the usufruct of, for a price agreed upon, this franchise and all property and rights acquired thereunder to any person or corporation: Provided, That for the purposes of the sale, lease, donation, grant, or transfer, it shall be necessary to file in the office of the Secretary of Commerce and Police, for his approval, an agreement in writing agreeing to comply with all the terms and conditions imposed on the grantee, his successors or assigns by the franchise and accepting the franchise subject to all its existing terms and conditions.

SEC. 16 For the purposes of this Act, this franchise shall be understood to be granted for the present municipality of Albay, including the municipalities of Daraga and Legaspi, now parts of the municipality first named, even if at a later date the said municipalities of Daraga and Legaspi are segregated by competent authority, it being understood, therefore, that the grantee, his successors or assigns have and shall have the right to use the streets and public thoroughfares of the three municipalities aforesaid, even after they are declared independent municipalities.

SEC. 17. Whenever the word grantee is used in this franchise, it shall be construed to refer to Julian M. Locsin Anson, his representatives, successors or assigns.

SEC. 18. This Act shall take effect on its passage.

Enacted, February 5, 1915.

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