AN ACT GRANTING TO THE SOCIEDAD ANONIMA KNOWN AS “MALOLOS ELECTRIC LIGHT, POWER, AND ICE PLANT COMPANY,” A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT, A...

Act No. 2474, February 05, 1915

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By authority of the United States, be it enacted by the Philippine Legislature, 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 thereto, there is hereby granted to the association known as the "Malolos Electric Light, Power, and Ice Plant Company," 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 within the limits of the municipality of Malolos, Province of Bulacan, poles, wires, and all necessary apparatus and appurtenances for the transmission and distribution of currents 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 Malolos, Province of Bulacan, 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 Philippine 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 shall accept in writing and make part of this concession the following condition, to wit:

> "That the grantee state in writing that it is 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 bind itself 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 that said grantee shall further bind itself to exact a similar engagement from its administrators, agents, successors, and assigns."

SEC. 3. 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 in accordance with a plan approved by the municipal authorities, and said grantee shall supply electric power, heat, and light to any applicant for the same (within fifteen days after the date of his application, and as between such applicant and other like applicants, in the order of the date of his application) up to the limit of the capacity of the plant of said grantee, to be determined by the district engineer on

the application of said association or 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, upon authorization by the municipal council of Malolos: 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 Equipment. grantee shall be modern and first class in every respect, and said 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 said streets and thoroughfares: Provided, That the grantee herein shall, whenever the Philippine Legislature or its successors so direct, place said wires in underground pipes or conduits at its own expense and without any cost or damage to the municipality of Malolos.

SEC. 5. Whenever it shall be necessary in the erection use of public streets of said poles to take up any portion of the sidewalks or dig up the ground near the sides or the corners of the public streets or thoroughfares, then the said grantee shall, after said poles are erected, without delay replace said sidewalks in the proper manner and remove from the same 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 condition as they were before the work was done.

SEC. 6. Whenever any person has obtained permission to use any of the streets of the municipality for the purpose grantee, of removing any building or in the prosecution of any municipal work or for any other cause whatsoever, making it necessary to raise or remove any of said wires which may obstruct the removal of said building or hinder the prosecution of said work, the said grantee, upon forty-eight hours' notice from the municipal council of Malolos, 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. 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 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.

SEC. 7. The grantee shall be liable to the municipality of Malolos 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 its acceptance of this franchise with the Secretary of Commerce and Police within ninety days from the date thereof, shall commence work within six months' time from and after the date of filing such acceptance, shall complete the system 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, and in consideration of the franchise hereby granted the grantee shall pay quarterly into the treasury of Malolos one per centum of the gross earnings of the enterprise during the first twenty years, and two per centum during the remaining thirty years of the life of this franchise.

SEC. 9. At the time of filing the acceptance mentioned in the last preceding section, the grantee shall deposit in the Insular Treasury one thousand pesos Philippine currency as an earnest of the good faith of its application, and within six months thereafter it shall deposit in the Insular Treasury the additional sum of nine thousand pesos Philippine currency as a guaranty of the faithful performance of the conditions mentioned in this section, and in case said deposit of nine thousand pesos Philippine currency is not made within six months after the date of filing

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said acceptance, the sum of one thousand pesos already deposited shall be forfeited to the municipality of Malolos. In case, after the deposit of said sum of nine thousand pesos, the work to be done under this franchise is not begun within the time specified, or is not completed within the time provided, both said deposits shall be forfeited to the municipality of Malolos as damages for the breach of contract involved in the acceptance of the franchise, and this franchise shall become null and void. In case of the fulfillment of the conditions prescribed by this section, both said deposits of one thousand and nine thousand pesos shall be returned by the Insular Treasurer to the grantee, upon proper certificate of the district engineer of the fulfillment of said conditions: Provided, That if work shall be begun by the grantee within the time specified, the funds deposited may be returned to the grantee as the work progresses, in monthly or quarterly installments, in the discretion of the municipal authorities, in the proportion which the work done bears to the work to be done: Provided further, That the Insular Treasurer may accept duly executed bonds of a fidelity company in lieu of the cash deposits by this section required.

SEC. 10. The municipality of Malolos 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, and all property of the grantee company used in connection with this franchise shall become the property of the Insular Government.

SEC. 12. The grantee of this franchise is 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 authority of the Board of Public Utility Commissioners. Nor shall said grantee declare any stock or bond dividend.

SEC. 13. The books of the grantee shall always be open inspection of books, to the inspection of the provincial treasurer or a deputy designated by him for the purpose, and it shall be the duty of the grantee to submit to the provincial treasurer reports in duplicate showing the gross receipts and the net receipts for the quarter past and the general condition of the business, one of which shall be forwarded by the provincial treasurer to the Insular Auditor, who shall keep the same on file.

SEC. 14. The grantee shall pay on its real estate, 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 herein may, with the prior approval of the Board of Public Utility Commissioners, sell, lease, give, grant, convey, or assign this franchise and all property and rights acquired thereunder to any person or corporation: Provided, That for the purpose of the sale, lease, donation, granting, or transfer it shall be necessary to file in the office of the Secretary of Commerce and Police an agreement in writing agreeing to comply with all the terms and conditions imposed on the grantee by the franchise and accepting the franchise subject to all its existing terms and conditions.

SEC. 16. The municipal council of Malolos, after hearing the grantee, shall have the power, with the approval of

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the Governor-General, to declare the forfeiture of this franchise for failure to comply with any of the terms and conditions thereof, unless such failure shall have been directly or primarily caused by the act of God, the public enemy, or force majeure. Against such declaration of forfeiture the grantee may apply to any court of competent jurisdiction for such relief as to it may seem proper, but if no such application is made within sixty days after the forfeiture has been declared by said municipality and approved by the Governor-General, the right to apply to the courts shall be considered waived.

SEC. 17. At any time after twenty years from the date of this Act, the Government of the Philippine Islands, or any political subdivision thereof to which the right may be assigned, may purchase, and the grantee shall sell thereto, all of its plant, poles, wires, buildings, real estate, and all other property used in the enjoyment of this franchise at a valuation based upon the net earnings of the grantee, the valuation to be determined, after hearing evidence, by the Supreme Court of the Islands- sitting as a board of arbitrators, whose decision, by a majority of the members thereof, shall be final.

SEC. 18. Wherever in this franchise the term "grantee" is used it shall be held and understood to mean and represent the sociedad anonima denominated "Malolos Electric Light, Power, and Ice Plant Company," its representatives, successors, and assigns.

SEC. 19. This Act shall take effect on its passage.

Enacted, February 5, 1915.

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