

AN ACT TO AMEND SECTION ONE OF ACT NUMBERED THIRTY-FOUR HUNDRED AND THIRTY-SIX, ENTITLED "AN ACT GRANTING TO THE PHILIPPINE LONG DISTANCE TELEPHONE COMPANY A FRANCHISE TO INSTAL...

Commonwealth Act No. 407, September 14, 1938

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section one of Act Numbered Thirty-four hundred and thirty-six is further amended so as to read as follows:

"SECTION 1. Subject to the conditions established in this Act and the provisions of Act Numbered Thirty-one hundred and eight, as amended, there is hereby granted to the Philippine Long Distance Telephone Company, its successors or assigns, for a period of fifty years from the approval of this Act, the right, privilege, and authority to construct, maintain and operate telephone systems covering the most feasible following routes: Manila-Baguio, including all provinces traversed; Manila-Iloilo-Negros-Cebu, including all provinces and islands traversed; Manila-Albay, including all provinces and islands traversed; Manila-Camarines Sur, including all provinces and islands traversed; Luzon-Mindanao, including all provinces and islands traversed, and Manila-Tayabas, including all provinces traversed. It being understood that the grantee is authorized to construct, operate and maintain such tributary lines and circuits throughout the Philippines to connect with the main lines, as the public interest may warrant. The grantee is authorized to carry on the business of the electrical transmission of messages, pictures, and signals in and between provinces and respective municipalities, and for the purpose of operating said telephone systems and transmitting impressions, messages, pictures, and signals by means of electricity, to construct telephone lines in and between said provinces and municipalities and to lay, place, operate, and maintain telephone cables between the Philippine Islands and other countries, and to construct, maintain, and operate and use all apparatus, conduits, and appliances necessary for the electrical transmission of impressions, messages, pictures, and signals, and to erect poles, structures, string wires, build conduits, lay cables, and to construct, maintain and use such other approved and generally accepted means of electrical conduction in, on, over, or under the public roads, Government right-of-ways, lands, bridges, rivers, waters, streets, lanes, and sidewalks of said provinces and municipalities, and overhead of underground lines or on the surface of the ground, and to lay submarine telephone cables in the surrounding waters of the Philippine Islands and for the purpose of making connection with telephone systems of other countries, as may be necessary and best adapted to said transmission: Provided, however, That all cables laid, all poles erected and all conduits constructed or used by the grantee, its successors or assigns, shall be located in places designated by the Secretary of Public Works and Communications and poles shall be erected in a workmanlike manner to the satisfaction of said official: And provided, further, That upon reasonable notice of the Secretary of Public Works and Communications the grantee, its successors or assigns may be required to relocate poles or remove or raise wires or other conductors so as to permit the passage of buildings or other structures from one place to another, one-half the actual cost of such relocation of poles or raising or removal of wires or other conductors to be paid by the person at whose instance the building or structure is moved; and, at the expense of the grantee, its successors or assigns, to relocate conduits, poles, and wires and to raise or remove wires or other conductors when the

Secretary of Public Works and Communications so orders and when the public interest so requires: Provided, finally, That from any order to relocate conduits, poles, or wires, or to raise or remove wires or other conductors, the said grantee, its successors or assigns, shall have the right to appeal to the President of the Philippines, whose decision in the matter shall be final.

"Should the grantee, its successors or assigns, fail, refuse, or neglect within a period of ten days after notice to relocate its poles, conduits, wires, or other conductors, or to raise its wires or other conductors when so directed by the Secretary of Public Works and Communications then this official may relocate said poles, conduits, wires, or other conductors or raise said wires or other conductors at the expense of the grantee, its successors or assigns: Provided, That the installation of all instruments inside wiring, and all outside construction work shall be done in accordance, with the rules and regulations, prescribed by the Secretary of Public Works and Communications: Provided, further, That whenever twenty-five or more pairs of wires or other conductors are carried on one line of poles in any city or municipal center, said wires or conductors shall be placed in one cable and that whenever more than eight hundred pairs of wires or other conductors are carried on one line of poles, said cables shall be placed underground by the grantee, its successors or assigns, whenever ordered so to do by the Secretary of Public Works and Communications: Provided, further, That the poles erected, wires and cables strung, or conduits laid by virtue of this franchise shall be so placed as not to impair the efficient and effective transmission of messages or signals by any other company whose poles are erected, whose wires and cables are strung, or whose conduits are actually laid at the time that poles are to be erected, wires and cables are to be strung or conduits are to be laid under and by virtue of this franchise : And provided, finally, That the poles erected by the grantee shall be of such a height as to maintain the wires stretched on the same at a height of at least ten feet above the level of the ground providing a height of at least fifteen feet in crossing roads or streets, and shall be placed so as not to be a danger to the public safety, in accordance with a plan approved by the Secretary of Public Works and Communications."

SEC. 2. As to the additional privilege and authority there-: by granted to. the Philippine Long Distance Telephone Company to construct, maintain and operate telephone systems covering Manila-Albay, including all provinces and islands traversed; Manila-Camarines Sur, including all provinces and islands traversed; Luzon-Mindanao, including all provinces and islands traversed; and Manila-Tayabas, including all provinces traversed; it is expressly provided that in the event the Government should desire to maintain and operate for itself such service over said territory, the grantee shall surrender its franchise in the aforesaid territory and will turn over to the Government all serviceable equipments therein, at cost.

SEC. 3. Within forty days after the approval of this Act, the grantee shall file with the Secretary of Public Works and Communications, its written acceptance of this Act and all the terms and conditions hereof, and in default of such acceptance, within the time so limited this Act shall become null and void.

SEC. 4. This Act shall take effect upon the approval by the President of the Philippines of the certification of the Secretary of Public Works and Communications that the grantee has accepted all the terms and conditions hereof and is prepared to carry out said terms and conditions.

Approved, September 14, 1938.

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