

AN ACT GRANTING THE PHILIPPINE MONORAIL TRANSIT SYSTEM, INCORPORATED A FRANCHISE TO ESTABLISH, MAINTAIN AND OPERATE A MONORAIL TRANSPORTATION SERVICE IN THE CITY OF MANILA AND S...

REPUBLIC ACT NO. 4652, June 14, 1966

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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 conditions established in this Act and the provisions of Commonwealth Act Numbered One hundred and forty-six, as amended, and of the Constitution, there is hereby granted to the Philippine Monorail Transit System, Incorporated, hereinafter called the grantee, its successors or assigns, for a period of fifty years from the approval of this Act, the right, privilege and authority to establish, maintain and operate a monorail transportation service for the carriage of passengers and freight in the City of Manila and suburbs and Cebu City and province.

SEC. 2. For the purposes of the monorail transportation service intended in this Act, the grantee hereby binds itself to use equipment, apparatuses, structures and appurtenances that are modern, safe and first class in every respect and the monorail transportation service, together with requisite installations, shall be maintained at all times in a satisfactory manner so as to be adequate, convenient, efficient and economical. It shall be the further duty of the grantee, its successors or assigns, to modify, improve and change the monorail transportation service in such manner and to such extent as the progress of science, technology and the public need may make reasonable and proper: Provided, That the plans and specifications shall be approved by the city and municipal authorities concerned, the Commissioner of Public Highways and the Secretary of Public Works and Communications.

SEC. 3. In the event that the grantee fails to commence construction of the monorail transportation service contemplated in this Act within three years nor commence operation of the service within five years from the approval of this Act, this franchise shall be null and void unless prevented by fortuitous cause or force majeure, martial law, riot, civil commotion, usurpation by a military power, or any other reasonable cause beyond the grantee's control: Provided, however, That all the time during which the grantee, its successors or assigns may be prevented from carrying out the terms and conditions of this franchise shall be added to the time allowed by this franchise for compliance with its provisions.

SEC. 4. Within sixty days after the approval of this Act, the grantee shall file with the Treasurer of the Philippines a bond in the amount of fifty thousand pesos as an earnest of good faith and a guarantee for full compliance and fulfillment of the terms and conditions under which this franchise is granted.

SEC. 5. The grantee shall have the right, privilege and authority to install, lay, and maintain in, along, under and over all suitable public streets, traffic islands, sidewalks, thoroughfares and highways, provincial roads, streams and other bodies of water; bridges and public squares within the City of Manila and its suburbs and Cebu City and province all such equipment, apparatuses, structures and appurtenances as may be necessary and best adapted for

the monorail transportation service intended in this Act: Provided, That the plans and specifications shall be approved by the city, province, and municipal authorities concerned, the Commissioner of Public Highways and the Secretary of Public Works and Communications: Provided, further, That the grantee shall indemnify any person or corporation for any loss or damage caused to the property of said person or corporation. The supporting and allied structures to be erected by the grantee shall be of such appearance as not to disfigure the streets, and shall be placed or installed with due regard for public safety: Provided, That the grantee shall be allowed to render only long run or express services.

SEC. 6. Subject to the requirements of existing laws, the grantee is hereby obliged to install, maintain, operate, purchase or lease for the monorail cars and station such telephone, radio, or other communication systems or devices as are or may be essential or convenient to efficiently carry out the purposes of this franchise.

SEC. 7. The grantee shall not lease, transfer, grant the usufruct of, sell or assign this franchise, nor any rights and privileges acquired thereunder to any individual, company or corporation, nor merge with any other individual, company or corporation. The grantee also shall not sell any share of its capital stock to any person other than the incorporators thereof, before the completion and approval of the feasibility survey of this project.

SEC. 8. In the event of any competing individual, company or corporation, receiving from Congress a similar franchise in which there shall be any term or condition more favorable than anyone herein granted, then such term or condition shall ipso facto become part of the terms or conditions hereof, and shall operate equally in favor of the grantee as in the case of said competing individual, company or corporation.

SEC. 9. The grantee shall be liable to pay the same taxes on its real property, buildings and personal property, exclusive of this franchise, as other persons or corporations are now or hereafter may be required by law to pay. In addition, the grantee, its successors or assigns, shall render a report of its gross receipts, revenues or earnings the use and operation of the franchise during each calendar quarter, and shall pay within the month immediately following all the taxes imposed by the existing laws on similar public utilities.

SEC. 10. The grantee shall keep books, records and accounts as are generally required by law of holders franchise. Such books, records and accounts of the grantee shall be open to inspection by the Commissioner of internal Revenue and/or other authorized representative of the Government.

SEC. 11. A special right is reserved to the President of the Philippines in time of war, rebellion, public peril, or other national emergency, when public safety so requires, to cause the closing of the monorail transportation service, or to authorize the use and operation thereof by any department of the Government without compensation the grantee for the use of said monorail transportation service other than the actual cost of such use or operation during the continuance of the national emergency.

SEC. 12. It is expressly provided that in the event that the Philippine Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee, its successors or assigns shall sum render its franchise and will turn over to the Government said system and all serviceable equipment at cost less reasonable depreciation.

SEC. 13. This Act shall take effect upon its approval.

Approved, June 14, 1966.

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