

AN ACT GRANTING TOBIAS P. MARCELO OR HIS SUCCESSORS IN INTEREST A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE FOR PUBLIC USE AN ICE AND COLD STORAGE PLANT OR PLANTS IN THE CITY...

REPUBLIC ACT NO. 4496, June 19, 1965

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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 imposed in this Act, there is hereby granted to Tobias P. Marcelo, hereinafter referred to as the grantee, or his successors in interest, a franchise to construct, maintain and operate for public use an ice and cold storage plant or plants in the City of Manila and Province of Rizal, and to sell the produce of the ice plants in Rizal province and Manila. The rates which grantee shall charge for the ice he sells and the cold storage service he renders shall be subject to regulation by the Public Service Commission.

SEC. 2. The grantee shall manufacture and supply ice up to the productive capacity of the ice plant or plants installed by him by virtue of the franchise, and as to the cold storage service likewise up to the total installed capacity.

SEC. 3. All the equipment and appurtenances to be used by the grantee in the ice and cold storage plant or plants to be installed shall be modern, safe and first class, and the grantee, in the event the Public Service Commission, after notice and hearing, determines that public interest reasonably requires it, shall change or alter any equipment or appurtenance at his expense.

SEC. 4. The franchise herein granted shall be valid for a period of twenty-five years from the approval of this Act, but is subject to the express condition that the franchise shall become null and void if the grantee or his successor in interest does not start the construction of the ice and cold storage plant or plants herein authorized within two years from the approval of this Act and does not complete the construction and commence the operation of the plant or plants within four years from said approval, except when prevented by an act of God, force majeure, martial law, riot, civil commotion, usurpation by military power or any other cause beyond the grantee's control. On the seventh year after approval of this Act, grantee shall notify the Public Service Commission in writing of the plant or plants constructed and operated by him, their location and capacities.

SEC. 5. The books, records and accounts of the grantee shall always be open to inspection by the provincial treasurer of Rizal or the city treasurer of Manila depending on the location of the plants, or their authorized representatives, and it shall be the duty of the grantee to submit to the corresponding treasurer quarterly reports in duplicate showing the gross receipts for the past calendar quarter, one of which shall be forwarded by the treasurer to the Auditor General, who shall keep the same on file.

SEC. 6. The jurisdiction of the Public Service Commission over the ice and cold storage plant or plants constructed and operated by the grantee by virtue of this franchise, shall be limited to the fixing of rates and that stated in Section three hereof, but it is hereby expressly provided that the franchise shall be subject to amendment, alteration or repeal by the Congress of the Philippines when public interest so requires.

SEC. 7. In the event of any competing individual, association of persons, or corporation receiving from the Congress of the Philippines a similar franchise in which there shall be any condition or conditions more favorable than those herein granted or tending to place the herein grantee at any disadvantage, then such condition or conditions shall ipso facto become a part of this franchise and shall operate equally in favor of the grantee herein as in the case of said competing individual, association of persons, or corporation.

SEC. 8. With the approval of Congress, the franchise herein granted may be transferred or assigned by the grantee or his successors in interest to any individual or juridical entity qualified under Commonwealth Act Numbered One hundred forty-six, as amended, to operate a public service.

SEC. 9. In consideration of the franchise and rights hereby granted, the grantee shall pay a franchise tax equal to five per centum of the gross earnings under this franchise, three per centum of which shall accrue to the National Government and two per centum to the City and/or municipality where the franchise is being operated.

SEC. 10. This Act shall take effect upon its approval.

Approved, June 19, 1965.

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