

AN ACT AMENDING SECTIONS ONE, TWO, THREE, FOUR, FIVE AND SEVEN OF REPUBLIC ACT NUMBERED FORTY- ONE HUNDRED THIRTY-EIGHT, ENTITLED "AN ACT GRANTING SAN LUIS WAREHOUSING CORPORATI...

REPUBLIC ACT NO. 5796, June 21, 1969

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Sections one, two, three, four, five and seven of Republic Act Numbered Forty-one hundred thirty-eight are hereby amended to read as follows:

"SECTION 1. Subject to the terms and conditions established in this Act and in Act Numbered Twenty-one hundred thirty-seven and to the provisions of the Constitution, there is granted to San Luis Warehousing Corporation, for a period of twenty-five years from the approval of this Act, renewable for another twenty-five years, the right, privilege and authority to construct, operate and maintain modern container terminals, bonded warehouses, storage depots, cold and refrigerated storage, cargo and transit sheds, conveyor piers, docks, landing and berthing facilities, access roads, bridges, seawalls, bulkheads and fillings in the North Harbor, Manila Bay,

Beginning at Point 1 located on the north-east corner of the marginal wharf of the international port, North Harbor, Manila; thence to point 2 with a bearing of approximately N 36' 30' W and a distance of about 1,000.00 meters; thence to point 3 with a bearing of approximately N 53' 30' and a distance of 250.00 meters measured perpendicular to the existing North Harbor breakwater; thence to point 4 with a bearing of approximately S 36' 30' E and a distance of 1,100.00 meters; thence to point of beginning with a bearing of approximately S 75' 30' W and a distance of 269.00 meters along the rock bulkhead, containing an area of approximately 26.25 has.,

for the purposes aforesaid, and to charge and collect a schedule of rates and fees for the use of the said container terminals and facilities, storage depots, docks, landing facilities, developed land areas, and shipping and allied commercial facilities, which schedule shall be subject to the prior approval of the Secretary of Finance who is authorized to fix, or revise, such schedule of fees and rates on the basis of prevailing charges for similar facilities and services, and considering the grantee's total investments and commitments plus a fair and reasonable profit: Provided, however, That the jurisdiction of the Bureau of Customs over the area herein above defined, and the installations and facilities constructed thereon, shall be maintained as provided by law.

"SEC. 2. All the containerization handling system, apparatus, and equipment, berthing, shipping, and storage facilities to be installed and used by the grantee shall be modern and comparable to similar facilities of ports abroad.

"SEC. 3. The grantee shall hold the national and municipal governments harmless from all claims, accounts, demands or actions arising out of accidents or injuries and damages, whether to property or to persons caused by the construction or 'Operation of the said container terminals, warehouses, cold storage, conveyor pier and landing facilities of the grantee.

"SEC. 4. The Secretary of Public Works and Communication shall have the power and authority to permit the construction of the said container terminals, warehouses, cold storage sheds, conveyor piers, and other attendant facilities on the area defined herein above on the basis of plans and specifications submitted, to, and approved by, his office, and under such terms and conditions relative to such constructions and installations as said department secretary may prescribe: Provided, however, That the area herein above defined may be expanded or new areas, not necessarily contingent, added conformably with the approved plans and technical studies designed to promote the progress of port and harbor development' in the Manila Bay area.

"SEC. 5. The grantee shall not lease, transfer, grant the usufruct of, sell or assign this franchise or the rights and privileges granted thereunder to any person, firm, company, corporation or other commercial or legal entity, nor merge with any other person, company, or corporation organized for the same purpose, without the approval of Congress of the Philippines first had. Any corporation to which this franchise is sold, transferred or assigned, shall be subject to the corporation laws of the Philippines now existing or hereafter enacted, and any person, firm, company, corporation or other commercial or legal entity to which the franchise is sold, transferred or assigned shall be subject to all conditions, terms, restrictions and limitations of this franchise as fully and completely and to the extent as if the franchise had been originally granted to the said person, firm, company, corporation or other commercial or legal entity: Provided, however, That subject to such terms and conditions as the Secretary of Finance may prescribe, the grantee may lease or sublease to any entity not disqualified by law the improvements it may have made or introduced in the area, or mortgage the same to any financial institution in the Philippines to raise capital for further or additional improvements.

"SEC. 7. The grantee shall be liable to pay the same taxes on its real estate, buildings, improvements, and personal property, exclusive of the franchise, as other persons or corporations are now or hereafter may be required by law to pay; however, capital goods, machineries, equipment, and materials brought into the country by the grantee exclusively for the construction or operation of the container terminals, piers and all attendant facilities shall be free from customs taxes and duties."

SEC. 2. Upon expiration of the period herein above prescribed, should the Government sell or lease the improvements made by the grantee, or have its operations and management conducted by other parties, the grantee shall have the preferred and preemptive right to equal the best bid or offer.

SEC. 3. All Acts, charters, executive orders, rules and regulations, or part thereof, in conflict with this Act are hereby repealed or modified accordingly.

SEC. 4. This Act shall take effect upon its approval.

Enacted without Executive approval, June 21, 1969.

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