

[REPUBLIC ACT NO. 4058, June 18, 1964]

AN ACT GRANTING THE SOUTHERN FARMERS COOPERATIVE ASSOCIATION A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE MUNICIPALITY OF GLAN, PROVINCE OF COTABATO.

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

SECTION 1. Subject to the provisions of the Constitution and to the terms and conditions established in Act Numbered Thirty-six hundred and thirty-six, there is granted to the Southern Farmers Cooperative Association, a corporation duly organized and existing under the laws of the Republic of the Philippines, its successors or assigns, for a period of twenty-five years from the date of approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system for the purpose of generating and/or distributing electric light, heat and/or power for sale within the Municipality of Glan, Province of Cotabato.

For this purpose, the grantee, its successors or assigns, all have the right and privilege, and is hereby authorized to install, lay, erect and/or maintain, on all streets, public thoroughfares, avenues, lanes, alleys, bridges, public places and/or roads within the limits of the Municipality of Glan, Province of Cotabato, poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, conduits, other equipments and/or other installations necessary for the safe distribution of electric current to the public: *Provided*, That all poles, wires, transformers capacitors, overhead protective devices, pole line hardware, conduits, other equipments and/or other paraphernalia, installed, erected, laid, and/or maintained by the grantee, its successors or assigns, shall be of such appearance as not to disfigure the road, street, thoroughfare, avenue lane, bridge, alley, or public place, and the wires carried by the said poles shall be strong and strung in accordance with professional standards approved by the Public Service Commission and said poles shall be of such height as to maintain the wires stretched on the same at a height of at least thirty feet above the level of the ground and said wires shall be so placed as not to imperil the public safety, in accordance with the rules, plans, and/or regulations of the Public Service Commission.

SEC. 2. For the purpose of installing, maintaining, erecting, and/or laying of such poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, and other equipments provided for in the preceding section, it shall be lawful for the grantee, its successors or assigns, to make excavations or lay conduits in any of the public places, highways, roads, streets, avenues, alleys, (Sidewalks, lanes and/or bridges in the Municipality of Glan, Province of Cotabato: *Provided, however*, That any public place, lane, highway, street, alley, avenue, sidewalk, road and/or bridge, altered, destroyed, disturbed or changed by reason of the

installation, erection, laying and/or maintenance of such poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, and other equipments, or the laying underground of wires and other conductors, or of conduits, shall be repaired, restored and/or replaced, to the satisfaction of the district Engineer, removing from the same all rubbish, dirt, refuse or other material which may have been placed there or taken up in the installation, erection and/or laying of said poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, and other equipment or the laying of said underground conduits, and leaving them in as good condition as they were before the work was done.

SEC. 3. Whenever any person, corporation, partnership or association, has obtained permission to use any of the roads or streets in said municipality for the purpose of removing any building or for prosecuting any provincial municipal work or for any other cause or purpose whatsoever, making it necessary to raise, alter, destroy, and/or remove any of said poles, wires, transformers, capacitors, overhead protective devices, pole line hardware conduits, other equipments, and/or other installations which may obstruct or hinder the removal of said building or the prosecution of said work, the grantee, its successors, or assigns, upon notice by the provincial board of Cotabato or the municipal council of Glan, served upon said grantee, its successors or assigns, at least one week in advance, shall raise, alter, destroy or otherwise remove any of said poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, conduits, other equipments and/or other installations, which may hinder the removal of such building or the prosecution of such work, so as to allow the free and unobstructed passage of said building or the free and unobstructed prosecution of such work, and the person, corporation, partnership, association or entity, its successors or assigns, at whose request the wires, poles, transformers, overhead protective devices, capacitors, pole line hardware, other equipments, conduits, and/or other installations have been removed, destroyed, altered or otherwise raised, shall pay eighty *per centum* of the actual cost of replacing, restoring, repairing and/or re-installing such poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, her equipments and/or other installations thus destroyed, altered, removed or otherwise raised, or the laying anew such conduits disturbed, altered, changed or destroyed reason of the removal of said building or the prosecution of such work. The same conditions shall apply the construction of any building whenever such conduction shall necessitate the destruction, disturbance, alteration, removal, or raising of any of the properties equipments mentioned herein. The notice shall be in the form of a resolution duly adopted by the provincial board of Cotabato or the municipal council of Glan, as the case may be, and served upon the grantee, its successors or assigns, or its duly authorized representatives or agents, by a person competent to testify as witness in a civil action, and in case of refusal, neglect or failure of the grantee, its successors or assigns, to comply with such notice, the Provincial Governor of Cotabato or the Municipal Mayor of Glan, with proper approval of the provincial board or the municipal council, as the case may be, first had, shall order such poles, wires, transformers, capacitors, overhead protective devices, pole line hardware, conduits, other equipments and/or other installations to be raised, altered, destroyed, or otherwise removed at the expense of the grantee, its successors or assigns, for the purpose aforesaid.

SEC. 4. The grantee shall not commence any construction and/or installation whatsoever, pursuant to this franchise, without first obtaining a certificate of public convenience and public necessity from the Public Service Commission of the form

and character provided for by applicable provisions of law especially authorizing such construction and/or installation. The grantee shall not exercise any right or privilege under this franchise without first having obtained such certificate of convenience and public necessity from the Public Service Commission. The Public Service Commission shall have the power to issue such certificate of convenience and public necessity whenever it shall, after due hearing, determine that such construction and/or installation or the exercise of such rights, privileges and/or authority under this franchise is necessary and proper for the public convenience and interest, and the Commission shall have the power, in so approving, to impose such conditions as to construction, equipment, maintenance, service or operation as the public convenience and interests may reasonably require, and such certificate shall state the date on which the grantee, its successors or assigns, shall commence construction or installation or operation and the period within which the work shall be completed. In order to avail itself of the rights and privileges granted by such certificate of convenience and public necessity, the grantee, its successors or assigns, shall file with the Public Service Commission, within such reasonable period as said Commission shall fix, which shall not however be less than thirty days nor more than sixty days, its written acceptance of the terms and conditions of this franchise and of the certificate. In the event that the grantee, its successors or assigns, shall not commence the distribution and/or sale of electric heat, light and/or power within such period as the Public Service Commission shall have fixed, said Commission may declare said certificate null and void unless the grantee, its successors or assigns, shall have been prevented from doing so by fortuitous event or *force majeure*, usurpation by a military power, martial law, riot, uprising, or other inevitable cause: *Provided, however,* That if the grantee, its successors or assigns shall have been prevented by any of said causes from commencing the distribution and/or sale of electric light, heat, and/or power within the period specified, the time during which it shall have been so prevented shall be added to said period: *Provided, further,* That failure on the part of the grantee, its successors or assigns to accept the conditions of this franchise and those imposed in the certificate of convenience and public necessity shall automatically render this franchise null and void.

SEC. 5. Upon the written acceptance of the terms and conditions of this franchise and of those imposed in the certificate of convenience and public necessity, the grantee, its successors or assigns, shall guarantee that within one year from the date of the granting by the Public Service Commission of a certificate of convenience and public necessity authorizing the construction, operation and/or maintenance by the grantee, its successors or assigns, of an electric heat, light and/or power system in the Municipality of Glan, Province of Cotabato, the grantee, its successors or assigns, will be completely provided with the necessary materials, machineries and/or equipments and ready to begin operation in accordance with the terms of this franchise and those imposed by the certificate of convenience and public necessity: *Provided,* That if the grantee, its successors or assigns, for any other cause than the act of God, the public enemy, usurpation by a military power, martial law, riot, uprising, civil commotion, or inevitable cause, fail, refuse or neglect, to begin within one year from the date of the granting of said certificate of convenience and public necessity the business of operating, distributing and/or selling electric light heat and/or power in the Municipality of Glan, Province of Cotabato, or fail, refuse, or neglect, to be fully equipped and ready to operate, within one year from the date of the granting of said certificate of convenience and public necessity the business of distributing and/or selling electric light, heat and/or power in the