

**[ REPUBLIC ACT NO. 3007, June 19, 1960 ]**

**AN ACT GRANTING THE RAMIREZ TELEPHONE CORPORATION A FRANCHISE TO INSTALL, OPERATE AND MAINTAIN TELEPHONE SYSTEM FOR DOMESTIC AND OVERSEAS COMMUNICATIONS.**

*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 forty-six, as amended, and of the Constitution, there is hereby granted to the Ramirez Telephone Corporation, for a period of fifty years from the approval of this Act, the right and privilege to construct, maintain, and operate in Albay a telephone system and a long distance telephone system covering the most feasible following routes: (1) Albay-Camarines Sur-Camarines Norte; (2) Albay-Manila, including all provinces and islands traversed; and (3) Albay-Mindanao, including all provinces and islands traversed, it being understood that the grantee is authorized to construct, operate and maintain such tributary lines and circuits throughout the above routes 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 conversations, messages, pictures, and signals in and between said provinces and the cities, municipalities and municipal districts therein, and for the purpose of operating said telephone systems and transmitting conversations, messages, pictures, and signals by means of electricity, to construct telephone ; lines in and between said provinces and cities, municipalities and municipal districts therein, to lay, place, operate and maintain telephone cables between the above routes and other countries; to construct, maintain, and operate, and use all apparatus, conduits, and appliances necessary for the electrical transmission of conversations, messages, pictures and signals; to erect poles and structures, string wires, build conduits and 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, streets, government right-of-ways, lands, bridges, rivers, waters, lanes, and sidewalks of said provinces and cities municipalities and municipal districts therein, and overhead or underground lines or on the surface of the ground, and lay such submarine telephone cables in the surrounding waters of the above provinces and for the purpose of making connection with telephone systems of other countries, as may be necessary and best adapted to said transmission.

The grantee may install, maintain, and operate radiotelephone equipment to furnish an economical medium of telephonic communications in the routes mentioned in the preceding paragraph and between the Philippines and vessels, as well as between the Philippines and telephone systems of other countries: *Provided*, That the location, installation or operation of any such radio-telephonic or picture equipment must be previously approved by the Secretary of Public Works and Communications, who shall have authority to supervise and regulate the installation or operation of

such radio-telephone or picture equipment: *Provided, further,* That this privilege to install, maintain and operate radio-telephonic or picture equipment shall not be construed to authorize the broadcasting of any commercial message, or the transmission of any facsimile message for hire by radiographic equipment.

SEC. 2. All cables laid, all poles erected and all conduits constructed or used by the grantee shall be located in places designated by the provincial, city, municipal or municipal district authorities concerned: *Provided,* That all poles erected and used by the grantee shall be of such appearance as not to disfigure the roads or streets, and the wires and cables carried by said poles and the underground cables shall be strung and laid in accordance with professional standards approved by the Public Service Commission; and said poles shall be of such height as to maintain the wires and cables stretched on the same at a height of at least fifteen feet above the level of the ground, and said wires and cables shall be so placed as not to imperil the public safety, in accordance with a plan approved by the Public Service Commission: *Provided, further,* That whenever twenty-five or more pairs of wires or other conductors are carried on one line of poles in any place of the poblacion of any city, municipality or municipal district in the territories covered by this franchise, said wires and conductors shall be placed in one cable, and whenever more than eight hundred pairs of wires or other conductors are carried on one line of poles, said wires or conductors shall be placed underground by the grantee, whenever ordered to do so by the Public Service Commission.

SEC. 3. For the purpose of erecting and placing the poles or other supports of such wires or other conductors, or of laying and maintaining underground said wires, cables or other conductors, it shall be lawful for the grantee to make excavations or lay conduits in any of the public places, highways, streets, alleys, lanes, avenues, sidewalks or bridges in the territories covered by this franchise: *Provided,* That any public place, highway, street, alley, lane, avenue, sidewalk, or bridge disturbed, altered or changed by reason of the erection of poles or other supports, or the laying underground of wires or other conductors, or of conduits, shall be repaired and restored to the satisfaction of the highway district engineer or city engineer concerned, removing from the same all rubbish, dirt, refuse, or other materials which may have been placed there or taken up in the erection of said poles or the laying of said underground conduits, and leaving them in as good condition as they were before the work was done.

SEC. 4. Whenever any person has obtained permission to use any of the roads or streets in the territories covered by this franchise for the purpose of removing any building or in the prosecution of any provincial or municipal work or for any other cause, making it necessary to relocate poles or to raise or remove any of said wires or conduits which may obstruct or hinder the prosecution of said work, the grantee, upon notice by the provincial board, city board or council, municipal council or municipal district council concerned, served upon the grantee at least forty-eight hours in advance, shall relocate said poles, or raise or remove any of said wires or conduits which may hinder the prosecution of such work or obstruct the removal of said building, so as to allow the free and unobstructed passage of said building and the free and unobstructed prosecution of said work; and the person or entity at whose request the wires or poles or other structures have been removed shall pay one-half of the actual cost of replacing or relocating the poles or raising the wires and other conductors or structures. The notice shall be in the form of a resolution duly adopted by the provincial board, city board or council, municipal council or

municipal district council and served upon the grantee or his duly authorized representative or agent by a person competent to testify as witness in a civil action; and in case of refusal or failure of the grantee to comply with such notice, the provincial governor, city mayor, municipal mayor or municipal district mayor, with the proper approval of the provincial board, city board or council, a municipal council or municipal district council, as the case may be, first had, shall order such poles to be relocated or such wires or conduits to be raised or removed at the expense of the grantee for the purpose aforesaid.

SEC. 5. All apparatus and appurtenances used by the grantee shall be modern and first class in every respect, and all telephone lines or installations used, maintained and operated in connection with this franchise by the grantee shall be kept and maintained at all times in a satisfactory manner, so as to render an efficient and adequate telephone service; and it shall further be the duty of the grantee, whenever required to do so by the Public Service Commission, to modify, improve, and change such telephone systems for the electrical transmission of conversations, messages, pictures and signals by means of electricity in such manner and to such extent as the progress of science and improvements in the method of electrical transmission of conversations, messages, pictures and signals by means of electricity may make reasonable and proper.

Pursuant to the foregoing provision, it is expressly provided as one of the conditions of this grant of franchise that the grantee shall, within one year, change with new apparatus and appurtenances which are modern, first class in every respect the telephone system now operated by the grantee in the Province of Albay, particularly in the City of Legaspi: *Provided, however,* That for justified cause the Public Service Commission may extend the one year period by six months. Failure on the part of the grantee to comply with this condition will render this grant of franchise null and void.

SEC. 6. The grantee shall keep a separate account of the gross receipts of its telephone business in each city, municipality or municipal district, and shall furnish the Auditor General and the Treasurer of the Philippines a copy of such accounts not later than the thirty-first day of July of each year for the twelve months preceeding the first day of July.

SEC. 7. The grantee shall be liable to pay the same taxes on its real estate, 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 shall pay to the Treasurer of the Philippines each year, within ten days after audit and approval of the accounts referred to in Section six of this Act, one *per centum* of all gross receipts of the telephone business transacted under this franchise by the grantee, and the said percentage shall be in lieu of all taxes on this franchise or its earnings.

SEC. 8. The grantee shall not begin any construction whatever pursuant to this franchise without first obtaining a certificate of public necessity and convenience from the Public Service Commission, of the form and character provided for in Commonwealth Act Numbered One hundred forty-six, as amended, specifically authorizing such construction. The grantee shall not exercise any right or privilege under this franchise without first having obtained such certificate of public necessity and convenience from the Public Service Commission. The Public Service

Commission shall have the power to issue such certificate of public necessity and convenience whenever it shall, after due hearing, determine that such construction or such exercise of the right, privilege or franchise, is necessary and proper for the public convenience, 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 interest may reasonably require, and such certificate shall state the date the grantee shall commence construction work and the period within which the work shall be completed. In order to avail itself of the rights granted by such certificate of public necessity and convenience, the grantee must file with the Public Service Commission, within such period as said Commission shall fix, its acceptance in writing of the terms and conditions of said certificate, together with the document evidencing the fact that the deposit required by said certificate has been made. In the event that the grantee shall not commence the furnishing of telephone service referred to in the certificate obtained and filed as herein provided within such period as the Public Service Commission shall have fixed, said Commission may declare such certificate null and void and the deposit made pursuant to Section nine of this Act forfeited to the National Government unless the grantee shall have been prevented from doing so by act of God, *force majeure*, usurpation by military power, martial law, riot, uprising, or other cause beyond its control: *Provided*, That if the grantee shall have been so prevented by one or more or all of such causes from commencing to furnish telephone service within the period specified, the time during which it shall have been so prevented shall be added to said period.

SEC. 9. The grantee shall be required by the Public Service Commission for each certificate of public necessity and convenience obtained by it, to make within such period as the said Commission shall fix, a deposit of not less than one thousand pesos, Philippine currency, or negotiable bonds of the Government of the Philippines, or other securities approved by the Public Service Commission, of the par value of not less than one thousand pesos, Philippine currency, in the National Treasury as a guaranty of good faith that the grantee, within the period also specified by the Public Service Commission, shall commence and terminate the necessary work and shall be provided with all the equipment necessary to commence furnishing telephone service in the corresponding province or provinces. The Public Service Commission shall order the return of the deposit hereby required to the grantee upon the termination of the work for the furnishing of telephone service in accordance with the terms and conditions of the certificate obtained, and the Treasurer of the Philippines shall return said deposit immediately upon presentation to him of a certified copy of the order of the Public Service Commission.

SEC. 10. 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 franchise and of all the terms and conditions hereof, and in default of such acceptance within the time so limited, this franchise shall become null and void.

SEC. 11. Within six months after the approval of this Act, the grantee shall file application with the Public Service Commission for a certificate of public necessity and convenience authorizing it to construct, operate, and maintain a long distance telephone line connecting Albay Camarines Sur and Camarines Norte. Six months after the issuance of the said certificate by the Public Service Commission, the grantee shall commence the construction of the line, and shall begin transmitting