

[Act No. 3132, March 06, 1924]

**AN ACT GRANTING TO JOSE DE LA ROSA AND MANUEL ANDRES A
FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN
ELECTRIC LIGHT, HEAT, AND POWER SYSTEM IN THE
MUNICIPALITY OF MASBATE. PROVINCE OF MASBATE,
PHILIPPINE ISLANDS**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Legislature assembled and by the authority of the same:*

SECTION 1. Subject to the conditions established in this Act and the provisions of Act Numbered Thirty-one hundred and eight applicable thereto, there is hereby granted to Jose de la Rosa and Manuel Andres, their successors or assigns, for a period of fifty years from the 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 distributing electric light, heat, and power for sale in the municipality of Masbate, Province of Masbate, its surroundings and barrios. The grantees shall have the right and privilege to install, lay, and maintain on all the streets, public thoroughfares, bridges, and public places of said municipality, its surroundings and barrios, poles, conductors, interrupters, transformers, cables, wires, and other overhead appliances, and all other necessary apparatus and appurtenances for the furnishing and distribution of electric current, and to supply, sell and furnish such current to any person, corporation or public or private concern to produce light, heat or power, and for any other use to which electricity may be put, and to furnish electric light, heat, and power within said municipality for provincial, municipal, domestic or manufacturing uses and for any other use to which electricity may be put, and to charge and collect a schedule of prices and conventional rates for the use of same: Provided, That said rates shall always be subject to regulation by Act of the Philippine Legislature or by the bodies or authorities authorized by law, and shall in no case be in excess of thirty centavos per kilowatt: Provided, further, That this franchise shall not take effect until the grantees shall have obtained from the Public Utility Commission a certificate showing the public necessity and convenience of the same, in accordance with the purpose of subsection (i) of section fifteen of Act Numbered Thirty-one hundred and eight, and shall have filed such certificate with the Secretary of Commerce and Communications upon accepting this franchise: And provided, further, That if the grantees do not file the proper application for said certificate with the Public Utility Commission within three months from the date of the approval of this Act, this franchise shall become null and void.

SEC. 2. The concession of the right, privilege, and authority mentioned in the preceding section shall not take effect unless the grantees and their successors or assigns shall accept in writing and make part of this concession the following condition, to wit:

"That the grantees and their successors or assigns state in writing that they are informed of the message of the President of the United States addressed to the Filipino people and communicated to said people by the Governor-General of the Philippine Islands on the sixth day of

October, nineteen hundred and thirteen, and of the reply message of the Philippine Assembly made in the name of the Filipino people and approved and sent on October sixteenth, nineteen hundred and thirteen; that said grantees and their successors or assigns bind themselves not to engage in or aid, by means of contribution in cash or otherwise, any propaganda directed against the policy of the Government of the United States outlined in such message of the President and the aspirations of the Filipino people set forth in said reply message of the Philippine Assembly, whether under the pretext of vested interests under any other pretext, and that said grantees and their successors or assigns shall further bind themselves to exact a similar engagement from their administrators, agents, successors, and assigns."

SEC. 3. The poles erected by the grantees shall be of such a height as to maintain the wires stretched on the same at a distance of at least twenty feet above the level of the ground, and shall be of such appearance as not to disfigure the streets, and shall be placed with due regard for the public safety so as not to be a danger for the same, in accordance with a plan approved by the provincial or municipal authorities concerned, represented by the provincial governor of Masbate or the municipal president of Masbate, as the case may be, and said grantees shall supply electric power, heat, and light to any applicant for the same, within fifteen days after the date of his application, and as between such applicant and other like applicants, in the order of the date of his application, up to the limit of the capacity of the plant of said grantees, to be determined by the electrical engineer of the Public Utility Commission on the application of said grantees, and should the demand for electric power, heat, and light at any time increase beyond the capacity of the plant of said grantees to supply the same, the capacity of said plant shall be increased by said grantees to meet such demand, with the authorization of the municipal council of Masbate first had: Provided, however, That in case the point at which the electric light, heat or power is to be supplied, is more than thirty meters from the lines or wires operated by said grantees, the latter shall not be obliged to furnish said service.

SEC. 4. All apparatus and appurtenances used by the grantees or thereafter by their successors or assigns shall be modern and first class in every respect, and the electrical transmission wires shall be insulated and carefully connected and fastened so as not to come in direct contact with any object through which a "ground" could be formed, and shall be stretched so as not to interfere with the free use of said streets and public thoroughfares: *Provided*, That the grantees and their successors or assigns shall, whenever the Philippine Legislature or its successors, upon recommendation of the Public Utility Commission or its legal successor, so direct, place said electric transmission wires in underground pipes or conduits at their own expense, and without any cost or prejudice to the municipality of Masbate.

SEC. 5. Whenever it shall be necessary in the erection of said poles to take up any portion of the pavement or sidewalks of the public streets or thoroughfares or dig up the ground near the sidewalks or corners of the public streets or thoroughfares, then the said grantees shall, after said poles are erected, without delay replace said pavement or sidewalks in the proper manner, removing from

the same all rubbish, dirt, refuse, or other material which may have been placed there, taken up or dug up in the erection of said poles, leaving them in as good condition as they were before the work was done; and whenever it shall become necessary, by reason of the extension of provincial roads determined upon by the provincial board of Masbate, or by reason of the extension of streets or plazas determined upon by the municipal council of Masbate, to change the location of said poles, such change shall be made by the grantees, their successors or assigns, at their expense, without delay, and said poles shall be placed where directed by said provincial board or said municipal council.

SEC. 6. Whenever any person has obtained permission to use any of the streets or public thoroughfares of the municipality of Masbate for the purpose of removing any building or in the prosecution of any municipal work or for any other just cause, whatsoever, making it necessary to raise or remove any of said poles or electric wires which may obstruct the removal of said building or hinder the prosecution of said work, the said grantees upon written notice by the municipal president of Masbate, served upon said grantees at least forty-eight hours in advance, shall raise or remove any of said poles or wires 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 building has been moved or the construction undertaken, shall pay one-half of the actual cost of removing or raising and of replacing the poles, wires or other overhead or underground conductors. The notice shall be served in the usual form, and in case of the refusal or failure of the grantees to comply with such notice, the municipal president of Masbate, after obtaining the proper approval of the municipal council of Masbate, shall order such poles or wires to be raised or removed at the expense of said grantees, for the purposes aforesaid: Provided, however, That the grantees may appeal from any such decision to the provincial board of Masbate, whose decision shall be final.

SEC. 7. The grantees shall be liable to the municipality of Masbate for any injury arising from any claims caused by accidents to person or property by reason of the construction under this franchise or of any neglect or omission to keep the said poles and wires in a safe condition.

SEC. 8. Said grantees shall file their written acceptance of this franchise with the Secretary of Commerce and Communications within one hundred and twenty days from the date when they obtained the certificate required by section one of this Act, and shall commence work under the supervision and subject to the approval of the electrical engineer of the Public Utility Commission, within six months' time from and after the date of filing such acceptance, unless prevented by act of God or *force majeure*, usurped or military power, martial law, riot or civil commotion or other inevitable cause, and shall complete the system and have the same in operation within eighteen months from the date of such acceptance, and shall thereafter maintain a first-class electric light, heat, and power service: *Provided*, That in consideration of the franchise hereby granted, the grantees, their successors or assigns, shall pay quarterly into the municipal treasury of Masbate one per centum of the gross earnings of their business during the first twenty years, and two per centum during the remaining thirty years of the life of this franchise.

SEC. 9. Upon the acceptance of this franchise, the grantees shall deposit in the