

[Act No. 3499, December 08, 1928]

**AN ACT GRANTING TO THE VISAYAN ELECTRIC COMPANY, S. A.,
A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN
ELECTRIC LIGHT, HEAT, AND POWER SYSTEM IN THE
MUNICIPALITIES OF CEBU, TALISAY, MINGLANILLA, NAGA, SAN
FERNANDO, MANDAWA, CONSOLACION, LILOAN, AND
COMPOSTELA, ALL IN THE PROVINCE OF CEBU.**

*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. There is hereby granted to the Visayan Electric Company, S. A., a corporation duly organized under the laws of the Philippine Islands, with headquarters in the municipality of Cebu, Province of Cebu, Philippine Islands, for a period of fifty years, the right, privilege, and authority to construct, maintain, and operate in, along, and over the public streets, thoroughfares and places of the municipalities of Cebu, Talisay, Minglanilla, Naga, San Fernando, Mandawa, Consolacion, Liloan, and Compostela, poles, wires, and other necessary apparatus and appurtenances for the transmission and distribution of electric current for electric power, heat, and light and for any other use to which electricity may be applied, and to furnish electric power, heat, and light within the limits of the said municipalities of Cebu, Talisay, Minglanilla, Naga, San Fernando, Mandawa, Consolacion, Liloan, and Compostela, for domestic and industrial use and for any other use to which electricity may be put, and to charge and collect a schedule of prices and conventional rates for such electric power, -heat, and light: Provided, That said rates and prices shall be subject to regulation by the Public Service Commission -or its successors.

SEC. 2. The poles erected by the grantee 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 in accordance with a plan approved by the municipal authorities, and said grantee 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 plan of said grantee, to be determined by the Public Service Commission or its successors, on the application of said grantee, and should the demand for electric power, heat, and light at any time increase beyond the capacity of the plant of said grantee to supply the same, the capacity of said plant shall be increased by said grantee to meet such demand, in accordance with the decision of the Public Service Commission: Provided, That the point at which the electric light, heat or : power is to be supplied, shall not be more than thirty meters : from the lines or wires operated by said grantee.

SEC. 3. All apparatus and appurtenances used by the: grantee shall be modern and first class in every respect, and the 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 grantee shall, whenever the Public Service Commission or its successors so direct, place said wires

in underground pipes or conduits at its own expense, and without any cost or prejudice to the municipalities of Cebu, Talisay, Minglanilla, Naga, San Fernando, Mandawe, Consolacion, Liloan, and Compostela.

SEC. 4. Whenever it shall be necessary in the erection of said poles to take up any portion of the sidewalks or dig up the ground near the sidewalks or corners of the public streets or thoroughfares, then the said grantee shall, after said poles are erected, without delay replace said sidewalks and property in the proper manner, removing from the said sidewalks, streets or public thoroughfares 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.

SEC. 5. Whenever any person has obtained permission to use any of the streets of said municipalities for the purpose of removing any building or in the prosecution of any municipal work or for any other cause whatsoever, making it necessary to raise or remove any of said wires which may obstruct the prosecution of said work, the said grantee, upon written notice by the municipal councils of the municipalities of Cebu, Talisay, Minglanilla, Naga, San Fernando, Mandawe, Consolacion, Liloan, and Compostela, served upon said grantee at least forty-eight hours in advance, shall raise or remove any of said 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. The notice shall be a duly adopted resolution of the municipal council concerned, in writing, served upon the grantee or its duly authorized representative or agent by a person competent to testify in a civil action, and in case of the refusal or failure of the grantee to comply with such notice, the municipal president concerned, with the proper approval of the municipal council, shall order such wires to be raised or removed at the expense of said grantee, for the purposes aforesaid.

SEC. 6. The grantee hereby binds itself to compensate the municipalities of Cebu, Talisay, Minglanilla, Naga, San Fernando, Mandawe, Consolacion, Liloan, and Compostela for any injury 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, and for all valid claims against any of said municipalities for damages caused by said wires or electric current conducted thereby.

SEC. 7. This Act and the franchise and rights granted hereunder shall not take effect unless and until the grantee shall have filed its written acceptance of the terms and provisions of this Act with the Secretary of Commerce and Communications within one hundred and twenty days from the date on which this Act shall take effect, as regards the electric service of the municipality of Cebu, and it shall not furnish electric service to the municipalities of Talisay, Minglanilla, Naga, San Fernando, Mandawe, Consolacion, Liloan, and Compostela under the privilege hereby granted nor begin any construction nor exercise any rights or privileges hereunder unless and until it shall have applied for and obtained from the Public Service Commission the certificate of the public necessity and convenience of said concession respecting such electric service and construction and the exercise of such rights and privileges, in accordance with the provisions of Act Numbered Thirty-one hundred and eight, as amended, and shall have filed with the Secretary of Commerce and Communications, within the time fixed by the Public Service Commission, its written acceptance of the terms and conditions of said certificate,