

[Act No. 3317, December 04, 1926]

**AN ACT GRANTING TO "THE NEGROS TELEPHONE AND
TELEGRAPH COMPANY" A FRANCHISE TO INSTALL, OPERATE,
AND MAINTAIN A TELEPHONE SYSTEM THROUGHOUT THE
ISLAND OF NEGROS.**

*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 and amendments thereof, applicable thereto, there is hereby granted to "The Negros Telephone and Telegraph Company," its successors or assigns, for a period of twenty-five years, which may be extended for another twenty-five years from the approval of this Act, the right, privilege, and authority to construct, maintain, and operate within the limits of the Island of Negros and in the provinces and municipalities a telephone system to carry on the business of the electrical transmission of messages and signals in and between said provinces and municipalities, and for the purpose of operating said telephone system and transmitting messages and signals by means of electricity, to construct telephone lines in and between said provinces and municipalities and to lay, place, operate, and maintain telephone cables between the surrounding islands, to construct, maintain, and operate and use all apparatus, conduits, and appliances necessary for the electrical transmission of messages and signals, to erect poles, string wires, build conduits, 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, highways, lands, bridges, rivers, streets, lanes, and sidewalks of said provinces and municipalities, and overhead or underground lines or on the surface of the ground, and to lay submarine telephone cables in the surrounding waters between the Island of Negros and other islands, as may be necessary and best adapted to said transmission: *Provided, however,* That all poles erected and all conduits constructed or used by the grantee, its successors or assigns, shall be located in places designated by provincial or municipal authorities, as the case may be, and poles shall be erected in a workmanlike manner to the satisfaction of such authorities: *And provided, further,* That upon reasonable notice" and by resolution of the proper Insular, provincial, or municipal authorities, the grantee, its successors or assigns may be required to relocate poles or remove or raise wires or other conductors so as to permit the passage of buildings or other structures from one place to another, one-half the actual cost of such relocation of poles or raising or removal of wires or other conductors to be paid by the person at whose instance the building or structure is moved; and, at the expense of the grantee, its successors or assigns, to relocate conduits, poles, and wires and to raise or remove wires or other conductors when the Insular Government or any provincial or municipal government declares, on recommendation of the proper authorities, that the public interest so requires: *Provided, finally,* That from any order or regulation of a provincial or municipal government requiring the grantee, its successors or assigns, to relocate conduits, poles, or wires, or to raise or remove wires or other conductors, the said grantee, its successors or assigns, shall have the right of appeal to the Governor-General, whose decision in the matter shall be final and

conclusive.

Should the grantee, its successors or assigns, fail, refuse, or neglect within a reasonable time to relocate its poles, conduits, wires, or other conductors, or to raise its wires or other conductors when so directed by the proper Insular, provincial, or municipal authorities, then said authorities may relocate said poles, conduits, wires, or other conductors or raise said wires or other conductors at the expense of the grantee, its successors or assigns: *Provided*, That the installation of all instruments, the inside wiring, and all outside construction work shall be done in accordance with the rules, regulations, or ordinances covering electrical work adopted by the Insular, provincial or municipal authorities: *Provided, further*, That whenever twenty-five or more pairs of wires or other conductors are carried on one line of poles in any city or municipal center, said wires or conductors shall be placed in one cable and that whenever more than two hundred and fifty pairs of wires or other conductors are carried on one line of poles, said cables shall be placed underground by the grantee, its successors or assigns, whenever ordered so to do by the proper Insular, provincial, or municipal authorities: *And provided, finally*, That the poles erected, wires and cables strung, or conduits laid by virtue of this franchise shall be so placed as not to impair the efficient and effective transmission of messages or signals by any other company whose poles are erected, whose wires and cables are strung, or whose conduits are actually laid at the time that poles are to be erected, wires and cables are to be strung, or conduits are to be laid under and by virtue of this franchise.

SEC. 2. The grantee may install, maintain, and operate radio-telephone equipment to furnish an economic means of telephonic communication between the Island of Negros and the telephone systems of the surrounding islands: *Provided*, That the location, installation or operation of any such radio-telephonic equipment must be previously approved by the Secretary of Commerce and Communications: *And provided, further*, That the Secretary of Commerce and Communications shall have authority to supervise and regulate the installation or operation of such radio-telephonic equipment. This privilege to install, maintain, and operate radio-telephonic equipment shall not be construed" to authorize the broadcasting of any message by the radio-graphic equipment or the transmission of radio-telegraphic messages.

SEC. 3. The poles erected by the grantee shall be of such a height as to maintain the wire? stretched on the same at a height of at least fifteen feet above the level of the ground, and shall be placed so as not to be a danger for the public safety, in accordance with a plan approved by the provincial or municipal authorities concerned, represented by the provincial governor or the municipal president, as the case may be, and said grantee shall supply telephone service in any municipality where it may have established a telephone central to any applicant for the same, within thirty 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 telephone system of said grantee, to be determined by the electrical engineer of the Public Utility Commission on the application of said grantee, and should the demand for telephone service at any time increase beyond the capacity of the telephone system of said grantee to supply the same, the capacity of said telephone system shall be increased by said grantee to meet such demand, in accordance with the decision of the Public Utility Commission or its legal successor: *Provided*, That in case the point at which the telephone service is to be

supplied, is more than one hundred meters from the lines or wires of the local central operated by said grantee, the latter shall not be obliged to furnish said service, unless the applicant for telephone service defrays the actual expense for the poles and wire necessary to install and maintain such service.

SEC. 4. For the purpose of erecting and maintaining poles or other supports for said wires or other conductors or for the purpose of laying and maintaining underground said wires, cables, or other conductors, it shall be unlawful for the grantee, its successors or assigns, without such orders as may be prescribed by Insular, provincial, or municipal authorities, to make excavations or lay conduits in any of the public places, lands, roads, highways, streets, lanes, alleys, avenues, sidewalks, or bridges of said province: *Provided, however.* That any public place, road, high way, street, lane, alley, 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 replaced in a workmanlike manner by said grantee, its successors or assigns, to the satisfaction of the Insular, provincial, or municipal authorities, as the case may be. Should the grantee its successors or assigns, after reasonable written notice from said authorities, fail, refuse, or neglect to repair or replace any part of a public place, road, highway, street, lane, alley, avenue, sidewalk or bridge altered, changed, or disturbed by said grantee, its successors or assigns, then the Insular, provincial, or municipal authorities, as the case may be, shall have the right to have the same repaired and placed in good order and condition at the cost and expense of the grantee, its successors or assigns.

SEC. 5. All telephone lines and systems for the transmission of messages and signals owned, maintained, or operated by the grantee, its successors or assigns, shall be operated and maintained at all times in a complete, modern, and first-class style as understood in the United States, and it shall be the further duty of said grantee, its successors or assigns, whenever required to do so by the Public Utility Commission to modify, improve, and change such telephone system or systems, for the transmission of messages and signals by means of electricity, in such manner and to such extent as the progress of science and improvements in the method of transmission of messages and signals by means of electricity may make reasonable and proper.

SEC. 6. The grantee, its successors or assigns, shall keep a separate account of the gross receipts of the telephone and electrical transmission business transacted by it in the capital of Bacoiod and in each of the municipalities of the two provinces of the Island of Negros, and shall furnish to the Insular Auditor and the Insular Treasurer a copy of such account not later than the thirty-first day of July of each year for the twelve months preceding the first day of July.

SEC. 7. The grantee, its successors or assigns, shall be liable to pay the same taxes on their real estate, buildings, and personal property, inclusive of this franchise, as other persons or corporations are now or hereafter may be required by law to pay. In addition, the grantee, its successors or assigns, shall pay to the Insular Treasurer each year, within ten days after the audit and approval of the accounts as prescribed in section six of this franchise, one per centum of all gross receipts of the telephone or other electrical transmission business transacted under this franchise by the grantee, its successors or assigns, and the said percentage shall be in lieu of all taxes on this franchise.