

[Acts No. 1826, May 20, 1908]

**AN ACT TO PROVIDE FOR THE GRANTING OF A FRANCHISE TO
CONSTRUCT, MAINTAIN, AND OPERATE TELEPHONE AND
TELEGRAPH SYSTEMS, AND TO CARRY ON OTHER ELECTRICAL
TRANSMISSION BUSINESS IN AND BETWEEN THE PROVINCES
OF ALBAY AND AMBOS CAMARINES AND IN AND BETWEEN THE
MUNICIPALITIES THEREOF.**

By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. There is hereby granted for a period of fifty years from and after the passage of this Act, upon the considerations and conditions herein contained, to Charles W. Carson and his successors or assigns, the right and privilege to construct, maintain, and operate in and between the Provinces of Albay and Ambos Camarines and in and between the municipalities thereof a telephone and telegraph system, to carry on the business of transmitting messages and signals by means of electricity in and between said provinces and municipalities and for the purpose of operating said telephone and telegraph system and of transmitting messages and signals by means of electricity, to construct telephone and telegraph lines in and between said provinces and municipalities, 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, streets, lanes, alleys, avenues, and sidewalks of said provinces and municipalities as may be necessary and best adapted to the transmission of passages and signals by means of electricity: *Provided, however,* That all poles erected and all conduits constructed or used by the grantee, his successors or assigns, shall be located in places designated by provincial or municipal authorities, as the case may be, and poles shall be straight and smooth and erected and painted in a good, substantial, and workmanlike manner to the satisfaction of such authorities, but it shall not be obligatory on the grantee, his successors or assigns, to paint poles except in centers of population or poblacions of municipalities: *And provided, further,* That said poles shall be of such a height and the wires or conductors strung or used by said grantee, his successors or assigns, shall be so placed and safeguarded as to prevent danger to life or property by reason of contact, with electric light, power, or street-railway wires or conductors: *And provided further,* That upon reasonable notice and by resolution of the proper Insular, provincial, or municipal authorities, the grantee, his 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, his 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 that the public interest so requires: *Provided, however,* That from any order or regulation of a provincial or municipal government requiring the grantee, his successors or assigns, to relocate conduits, poles, or wires or to raise or remove wires or other conductors, the said grantee, his 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, his successors or assigns, fail, refuse, or neglect within a reasonable time to relocate his or their poles, conduits, wires, or other conductors or to raise his or their 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, his successors or assigns: *And provided further*, 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: *And provided further*, That whenever twenty-five or more pairs of open 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 in cables are carried on one line of poles, said cables shall be placed underground by the grantee, his successors or assigns, whenever ordered so to do by the proper Insular, provincial, or municipal authorities: *And provide further*, 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. 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 lawful for the grantee, his successors or assigns, under such regulations and orders as may be prescribed by insular, provincial, or municipal authorities, to make excavations in any of the public places, lands, roads, highways, alleys, avenues, bridges, or sidewalks in or between or municipalities: *Provided, however*, That any public place, road, highway, street, lane, alley, avenue, bridge, or sidewalk 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 wherever disturbed, altered, or changed be repaired and replaced in a good, substantial, and workmanlike manner by said grantee, his successors or assigns, to the satisfaction of the insular, provincial, or municipal authorities, as the case may be. Should the grantee, his successors or assigns, fail, refuse, or neglect to repair after reasonable written notice from said authorities, to the satisfaction of said Insular, provincial, or municipal authorities, any part of a public place, road, highway, street, lane, alley, avenue, bridge, or sidewalk altered, changed, or disturbed by said grantee, by provincial, or municipal authorities, as the case may be, shall have the right to have the same properly repaired and placed in good order and condition at the cost and expense of the grantee, his successors or assigns.

SEC. 3. All telephone and telegraph lines and systems for the transmission of messages and signals by means of electricity owned, maintained, or operated by the grantees, his successors or assigns, shall be maintained and operated at all times in a complete, modern and first class style as understood in the United States, and it

shall further duty of such grantee, his successors or assigns, to modify, improve and change such telephone and telegraph 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 improvement in the method of transmission of messages and signals by means of electricity may make reasonable and proper.

SEC. 4. The grantee, his successors or assigns, shall keep a separate account of the gross receipts of the telephone, telegraph, and electrical transmission business transacted by him in each of the municipalities of the Provinces of Albay and Ambos Camarines, 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. for the purpose of auditing the accounts so rendered to the Insular auditor and the Insular Treasurer all of the books and accounts of the grantee, his successors or assigns, shall be subject to the official inspection of the Insular Auditor, or his authorized representatives, and in the absence of fraud or mistake the audit and approval by the Insular Auditor of the accounts so rendered to him and to the Insular Treasurer shall be final and conclusive evidence as to the amount of said gross receipts.

SEC. 5. The grantee, his successors or assigns, shall be liable to pay the same taxes on his or their 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, his 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 four of this Act, two per centum of all gross receipts of the telephone, telegraph, or other electrical transmission business transacted under this franchise by the grantee, his successors or assigns, and the said percentage shall be in lieu of all taxes on the franchise or earnings thereof.

SEC. 6. As a guaranty that the franchise has been accepted in good faith and that within six months from the date of the passage of this Act the grantee or his successors or assigns will begin the business of transmitting messages by telephone and will be fully equipped and ready to operate according to the terms of this franchise fifty telephones in the Province of Albay and fifty telephones in the Province of Ambos Camarines. the said grantee shall deposit at the time of such acceptance, with the Insular Treasurer, one thousand pesos, or negotiable bonds of the United States or other securities approved by the Secretary of Commerce and Police of the face value of one thousand pesos: *Provided, however,* That if the deposit is made in money the same shall be deposited at interest in some saving bank approved by the Secretary of Commerce and Police, and all interest accruing and due on such deposit: shall be collected by the Insular Treasurer and paid to the grantee, his successors or assigns, on demand: *And provided further,* That if the deposit made with the Insular Treasurer be negotiable bonds of the United States, or other interest-bearing securities approved by the Secretary of Commerce and Police, the interest on such bonds or securities shall be collected by the Insular Treasurer and paid over to the grantee, his successors or assigns, on demand.

Should the said grantee, his successors or assigns, for any other cause than the act of God, the public enemy, usurped power, martial law, riot, civil commotion, or inevitable cause fail, refuse, or neglect to begin within two months from the date of the passage of this Act the business of transmitting messages by telephone, or fail,