

## [ Act No. 1303, February 24, 1905 ]

### **AN ACT GRANTING TO MARTIN M. LEVERING A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT, AND POWER SUPPLY SYSTEM IN THE MUNICIPALITY OF CEBU, PROVINCE OF CEBU.**

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

SECTION 1. There is hereby granted to Martin M. Levering a citizen of the United States, the right, privilege, and authority, for the period of thirty-five years from and after the passage of this Act, to erect, construct, maintain, and operate in, along, and over any and all streets, thoroughfares, and public places within the boundaries of the municipality of Cebu, poles, wires, and all necessary apparatus and appurtenances for the transmission and distribution of electric currents for electric power, heat, and light, and for any other purpose for which electricity may be used, and to furnish electric power, heat, and light within said municipality of Cebu, for municipal, domestic, or manufacturing uses and for any other use to which electricity may be put and to charge and collect tolls, rates, and compensation for such power, heat, light, and use: *Provided*, That such tolls, rates, and compensation shall always be subject to regulation by Act of the Philippine Commission or its successors.

SEC. 2. The poles erected by the grantee shall be of such height as to support wires strung thereon at a distance of at least twenty feet above the ground, shall not be of such crooked or ungainly appearance as to disfigure the streets, and shall be placed in accordance with a plan which must have been 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 plant of said grantee, to be determined by the provincial supervisor on the application of such person or 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 to meet such demand, if the Philippine Commission or its successors shall so direct: *Provided*, That the point at which the electric power, heat, or light is to be supplied is not more than eighty meters from the lines or wires maintained by said grantee.

SEC. 3. All apparatus and appurtenances used by the grantee shall be modern and first class in every respect, and said 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 and unobstructed use of said streets and alleys: *Provided*, That the grantee herein shall, whenever the Philippine Commission or its successors may so direct, place said wires in underground pipes or conduits at his own expense and without any cost or damage to the municipality of Cebu.

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 in or near the sides or the corners of the streets or thoroughfares, then the said grantee shall, after said poles are

erected, without delay, replace said sidewalk and property in a neat, workmanlike manner and remove from said sidewalks, streets, or thoroughfares all rubbish, sand, and dirt or other material which may have been placed there, taken up, or dug up in the erection or construction, of said poles, and shall put such sidewalk, street, or thoroughfare in as good a condition as it was before it was taken up or disturbed.

SEC. 5. Whenever any person has obtained permission to use any of the streets of the municipality 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 removal of said building or hinder the prosecution of said work, the said grantee, upon forty-eight hours notice from the municipal council of the municipality of Cebu, 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. Such notice shall be a duly adopted resolution of the municipal council, in writing, and served upon said grantee or his duly authorized representative or agent by any person competent to be a witness in a civil action and in case of the refusal or failure of said grantee to comply with such notice, the municipal president, with the approval of the municipal council first had, shall raise or remove such wires at the expense of said grantee, for the purpose aforesaid.

SEC. 6. Said grantee contracts and covenants hereby to indemnify the said municipality of Cebu for any injury arising from any casualty or accident 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 said municipality for damages caused by said wires or electric currents conducted thereby.

SEC. 7. Said grantee shall file his acceptance of the conditions of this franchise with the Secretary of Commerce and Police within thirty days from the date hereof, and shall commence work within six months from the date of filing such acceptance, and shall complete the system and have the same in operation within eighteen months from the date such acceptance is filed, and shall thereafter maintain a first-class electric light, heat, and power service, and in consideration of the franchise hereby granted shall pay quarterly into the provincial treasury of Cebu, to be divided equally between the municipality of Cebu and the Province of Cebu, one per centum of the gross earnings of the enterprise during the first ten years, and two per centum during the following twenty-five years, of the life of this franchise.

SEC. 8. At the time of filing the acceptance mentioned in the last preceding section, the grantee shall deposit in the Insular Treasury one thousand pesos, Philippine currency, as an earnest of the good faith of his application, and within six months thereafter shall deposit in the Insular Treasury the additional sum of nine thousand pesos, Philippine currency, as a guarantee of the faithful performance of the conditions mentioned in this section, and in case said deposit of nine thousand pesos, Philippine currency, is not made within six months after the date of filing said acceptance the sum of one thousand pesos already deposited shall be forfeited to the municipality of Cebu. In case, after the deposit of said sum of nine thousand pesos, the work to be done under this franchise is not begun within the time specified, or is not completed within the time provided, both said deposits may be forfeited at the option of the Governor-General and be divided equally between the