

[REPUBLIC ACT NO. 6520, July 22, 1972]

AN ACT GRANTING THE CITY GOVERNMENT OF BASILAN A FRANCHISE TO INSTALL, OPERATE AND MAINTAIN TELEPHONE SYSTEM IN THE CITY OF BASILAN.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subject to the provisions of the Constitution and of Commonwealth Act Numbered One hundred forty-six, as amended, there is hereby granted to the City Government of Basilan City, hereinafter called the grantee, its successors or assigns, for a period of twenty-five years from the approval of this Act, the right privilege, and authority to construct, operate and maintain telephone system in the City of Basilan. The grantee is authorized to construct, operate and maintain exchanges and branches tributary lines within the city and municipal districts traversed to connect with the main system, as the public interest may warrant.

For the purpose of operating said telephone system, the grantee is authorized to construct, operate and maintain and use all apparatus, conduits, appliances, receivers, transmitters, antennas, and equipment necessary for the transmission of messages and to erect poles, structures, string wires, build conduits, lay cables, and to construct, operate and maintain and use such other approved and generally accepted means of electrical conduction in, on over, under the public roads, government right-of-ways, lands, bridges, rivers, waters , streets lanes and sidewalks of said city and municipal districts and overhead or underground or submarine lines or on the surface of the ground, as may be necessary and best adapted to said . transmission: *Provided, however,* That all cables laid, all poles erected and all conduit constructed or used by the grantee, its successors or assigns, shall be located in places designated by the Secretary of Public Works and communications and poles erected and all conduits and Communications and poles shall be erected in workmanlike manner to the satisfaction of said official: *Provided, further,* That upon reasonable notice of the Secretary of Public Works and Communications the grantee, its successors and 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, and one-half the actual cost of such relocation of poles or raising or removing of wires or other conductors when the Secretary of Public Works and Communications so orders and when public interest so requires: *And, provided, finally,* That from any order to relocate conduits, poles or wires, or to raise or remove wires or other conductors, to be paid by the person at whose instance the building or structures is moved; and, at the expense of the grantee, its successors or assigns, to relocate conduits, poles, and wires, or to raise or remove wires or other conductors, the said grantee, its successors, or assigns, shall have the right to appeal to the President of the Philippines, whose decision in the matter shall be final.

Should the grantee, its successors or assigns, fail, refuse or neglect within a period of ninety days after notice to relocate its poles, conduits, wires or other conductors, or to raise its wires or other conductors when so directed by the Secretary of Public Works and Communications, then this official 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. The installations of all instruments, inside wiring, and all outside construction work shall be done in accordance with the rules and regulations prescribed by the Secretary of Public Works and Communications. Whenever twenty-five or more pairs of wires or other conductors are carried on in one line of poles in any city or municipal district center, said wires or conductors shall be placed in one cable and that whenever more than eight hundred pairs of wires or other conductors are carried on one line of poles, said cable shall be placed underground by the grantee, its successors or assigns, whenever ordered to do so by the Secretary of Public Works and Communications.

The poles erected, wires and cable strong or conduit laid by virtue of this franchise shall be so placed so as not to impair the efficient and effective transmission of messages or signals by any other company where poles are erected, whose wires and cables are strung or whose conduits are actually laid at the time that the poles are to be erected, wires and cables strung and conduits laid under and by virtue of this franchise. The poles erected by the grantee shall be of such height of at least ten feet above the level of the ground providing a height of at least fifteen feet in crossing roads or streets, and in accordance with a plan approved by the Secretary of Public Works and Communications.

SEC. 2. The grantee may install operate and maintain radiotelephone equipment to furnish an economical medium of telephone communications in and between the city and the municipal districts mentioned in Section one of this Act and between telephone systems of other franchise grantees within the Philippines. The location of such radiotelephonic equipment and its operation must be previously approved by the President of the Philippines upon the recommendation of the Secretary of Public Works and Communications. The said Secretary, subject to the approval of the President of the Philippines, shall have the authority to supervise and regulate the installation or operation of such radiotelephone equipments. The privilege to install, operate and maintain radiotelephone equipment shall not be construed to authorize the broadcasting of any commercial message, or the transmission of any messages for hire by radiographic equipment or the transmission of radiotelegraphic messages for hire.

SEC. 3. The grantee shall supply telephone service in said city and municipal districts mentioned in Section one where it may have established a local telephone exchange to any applicant for the same, within thirty days after the date of their applications, and as between such applicant and other like applicants, in the order of the date of their applications, up to the limit of the capacity of the telephone system of said grantee, to be determined by the Public Service Commission on the application of such grantee and should demand for telephone service at any time increased 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 Service Commission or its legal successor.

In case the point at which the telephone service is to be supplied is more than fifty

meters from the local exchange lines 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 wires and installation thereof necessary for such service and in such case the Public Service Commission may extend the time which the grantee must furnish such service beyond the said period of thirty days.

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 lawful for the grantee, its successors or assigns, with the prior approval of the Secretary of Public Works, and Communications to make excavations or lay conduits in any of the public places highways, streets, lanes, alleys, avenues, sidewalks, or bridges of said cities and municipal districts. Any public place, highly, 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 Secretary of Public Works and Communications. Should the grantee, its successors or assigns (to the satisfaction of the Secretary of Public Works and Communication) after ten days notice from said authority, fail, refuse or neglect to replace any part of a public place, road, highway, street, lane, alley, avenue, side-walk or bridge altered, changed or disturbed by said grantee, its successors or assigns, then the Secretary of Public Works and Communications 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 system for 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 satisfactory manner, and it shall be the further duty of said grantee, its successors or assigns, whenever required to do so by the Public Service Commission, to modify improve and change such telephone system or system 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 and shall furnish to the Auditor General and the Treasurer of the Philippines a copy of such account not later than the thirty-first day of July.

SEC. 7. The grantee, its successors or assigns, shall be liable to pay the same taxes on its 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, its successor or assigns, shall pay to the treasurer of the Philippines each year, within ten days after the audit and approval of the accounts as prescribed in Section six of this Act, two *per centum* of all the gross receipts of the telephone or other electrical transmission business transacted under this franchise by the grantee, its successors or assigns.

SEC. 8. The grantee shall not begin any construction whatever pursuant to this franchise without first obtaining a certificate of public necessity and convenience