

[REPUBLIC ACT NO. 5739, June 21, 1969]

**AN ACT GRANTING LEONIDES C. PENGSON A FRANCHISE TO
CONSTRUCT, OPERATE AND MAINTAIN AN ICE PLANT AND COLD
STORAGE IN THE MUNICIPALITY OF MAKATI, PROVINCE OF
RIZAL, AND TO SELL AND DISTRIBUTE ICE IN THE CITIES OF
PASAY, QUEZON, AND THE MUNICIPALITY OF MAKATI,
PROVINCE OF RIZAL.**

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

SECTION 1. Subject to the terms and conditions established in this Act and Commonwealth Act Numbered One hundred forty-six, as amended, and to the provisions of the Constitution, there is hereby granted to Leonides C. Pengson, hereinafter referred to as the grantee for a period of twenty-five years from the approval of this Act, a franchise to construct, operate and maintain an ice plant and cold storage in the Municipality of Makati, Province of Rizal, for the purpose of manufacturing ice blocks and ice cubes for distribution and sale, and for supplying cold storage in the Municipality of Makati, Province of Rizal, Pasay City and Quezon City, and to charge and collect a schedule of prices and rates therefor, which schedule shall at all times be subject to regulation by the Public Service Commission or its legal successor: *Provided, however,* That the Public Service Commission shall only have the power to fix prices and rates and shall have no power to deny the grantee the right, privilege and authority to construct, operate and maintain said ice plant and cold storage.

SEC 2. The grantee shall manufacture and supply ice blocks and ice cubes up to the amount which may be determined by the Public Service Commission, which shall not exceed one hundred twenty tons per day, the limit of the capacity of the plant.

SEC. 3. All the apparatus and appurtenances to be used by the grantee shall be modern, safe and first class in every respect, and the grantee whenever the Public Service Commission shall have determined that public interest reasonably requires it, shall change or alter any of such apparatus and appurtenances at grantee's expense.

SEC. 4. If the grantee shall not commence the construction of his plant within two years from the date of the approval of this Act, unless prevented by an act of God or *force majeure*, martial law, riot, civil commotion, usurpation by military power or any other cause beyond the grantee's control, this franchise shall become null and void.

SEC. 5. This franchise is granted with the understanding and upon the condition that it shall be subject to amendment, alteration, or repeal by the Congress of the Philippines when the public interest so requires.