

[REPUBLIC ACT NO. 5935, June 21, 1969]

**AN ACT GRANTING A. LUMANLAN AND SONS, INCORPORATED A
FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE AN ICE
PLANT IN THE MUNICIPALITY OF SURIGAO, PROVINCE OF
SURIGAO DEL NORTE,**

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

SECTION 1. Subject to the conditions imposed by this Act, there is granted to A. Lumanlan and Sons, Incorporated, hereinafter referred to as the grantee, a franchise to construct, maintain and operate an ice plant in the Municipality of Surigao, Province of Surigao del Norte, for the purpose of manufacturing and distributing: ice in said municipality, and to charge and collect a schedule of prices therefor, which schedule shall, at all times, be subject to regulation by the Public Service Commission or its legal successors.

SEC. 2. The grantee shall manufacture and supply ice up to the limit of the capacity of said plant, which capacity shall be determined by the Public Service Commission or its legal successors.

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 shall, whenever the Public Service Commission shall determine that public interest reasonably requires it, change or alter any of such apparatus at grantee's expense.

SEC. 4. This franchise shall continue for a period of twenty-five years from the date of approval of this Act, and is subject to the express condition that the same shall be null and void unless the construction of said plant be begun within one year from the date of approval of this Act and be completed within two years from said date, except when prevented by an act of God or *force majeure*, martial law, riot, civil commotion, usurpation by military power or any other cause beyond grantee's control.

SEC. 5. In consideration of the franchise and rights hereby granted, the grantee shall pay a franchise tax equal to five *per centum* of the gross earnings under this franchise, three *per centum* of which shall accrue to the National Government and two *per centum* to the municipality where the franchise is being operated.

SEC. 6. Should any competing individual, association of persons or corporation be receiving from the Congress of the Philippines a similar franchise in which there shall be any term or terms more favorable than those herein granted or tending to place the herein grantee at any disadvantage, then such term or terms shall *ipso facto*