

**[ REPUBLIC ACT NO. 806, June 21, 1952 ]**

**AN ACT TO GRANT TO CARLOS NABLE A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN A WATER SUPPLY SYSTEM IN THE MUNICIPALITY OF CALAPAN, PROVINCE OF ORIENTAL MINDORO.**

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

SECTION 1. Subject to the conditions established under this Act and to the provisions of Commonwealth Act Numbered One hundred and forty-six, as amended, and the Constitution, there is hereby granted to Carlos Nable, hereinafter known as the grantee, for a period of twenty-five years from the approval of this Act, the right, privilege, and authority to construct, maintain and operate a water system for the purpose of distributing water for sale within the limits of the municipality of Calapan, Province of Oriental Mindoro. For this purpose the grantee shall have the right and privilege:

- a. To construct, maintain and operate water mains, pipes, conduits, reservoirs, or dams on land owned or duly acquired or obtained by the grantee for said purpose;
- b. To install, lay, and maintain above or below the ground on the right of way duly acquired or obtained by said grantee, or below the ground on all streets, public thoroughfares and public places and along or under the bridges within the limits of the said municipality, water mains, pipes and conduits, and all other necessary apparatus and appurtenances for the furnishing and distribution of water;
- c. To supply, sell, and furnish such water to any person, corporation, or public or private concern within the limits of the said municipality for domestic or manufacturing uses and for any other use to which water may be put, and to charge and collect a schedule of prices and conventional rates for the use of said water, which schedule of prices and rates shall at all times be subject to regulation by the Public Service Commission;
- d. To purify the sources of the water supply, the reservoirs and the dams subject to the approval of the Bureau of Health, and to regulate the control and use, and prevent the waste of water: *Provided*, That this franchise shall not be effective until the grantee shall have obtained from the Public Service Commission a certificate showing the public necessity and convenience thereof, according to the pose of section fifteen of Commonwealth Act Numbered hundred and forty-six, as amended, and shall have filed such certificate with the Secretary of Public Works and communications, upon accepting this franchise: *And provided, further*, That if the grantee does not file the proper application for said certificate with the Public Service Commission, within three

months from the date of the approval of this Act, this franchise shall become null and void.

SEC. 2. The grantee shall have the right to acquire or obtain by grant, lease or purchase sufficient land for the construction of water reservoirs or dams, and the erection of buildings and of tanks at suitable heights for the storage of the water from said water reservoirs or dams, and a right of way separate from all streets and public highways not to exceed ten meters in width, from the location of each tank to the limits of the strong-material zone of the municipality above mentioned, and in order to acquire such land or any part thereof the grantee may institute proceedings in any competent court for the expropriation of all such land or any part thereof, as provided by law.

SEC. 3. All water mains and pipes situated within the strong-material zone of the municipality of Calapan, Province of Oriental Mindoro, as now or hereafter established by law, shall be placed at least forty-five centimeters below the surface of the ground as far as the upper part of such mains or pipes is concerned. The water mains or pipes between the reservoirs and the source of supply and said limits of the strong-material zone of the municipality may be put above the grounds on the grantee's right of way except where they cross a street or public place, in which case they shall be placed below the ground at the depth above mentioned. The construction and laying of the mains and pipes shall be done in a workmanlike manner, in accordance with a plan previously approved by the Public Service Commission, and whenever it shall be necessary to change the level in any part thereof in order to avoid interference with any public sewer or drain constructed or to be instructed, the grantee herein shall forthwith change such Portion of said mains and pipes as the Public Service Commission may direct in writing. Said grantee shall supply water to any applicant for the same, within fifteen days after the date of his application, in the order of the date of his application up to the limit of the capacity of the system of said grantee, to be determined by the Public Service Commission on the application of said grantee, and should the demand for water at any time increase beyond the capacity of the system of said grantee to supply the same, the capacity of said system shall be increased by said grantee to meet such demand, in accordance with the decision of the Public Service Commission: *Provided*, That the distribution system of the water pipes shall be installed, laid, maintained, and operated only on such streets and public places of the municipality as the Public Service Commission may designate: *And provided, further*, That the grantee in furnishing water to applicants therefor, as stated, shall make all connections with their mains and shall be entitled to demand a fair charge therefor as the Public Service Commission may by order provide.

SEC. 4. All apparatus and appurtenances used by the grantee shall be modern and first class in every respect, and the water mains and pipes shall, when laid in streets or public places, be so placed and maintained as not to interfere in any manner with the unrestricted use of such public places and streets. In the maintenance and operation of his water supply system, the grantee shall always be subject to such reasonable regulations as the Public Service Commission may promulgate in the premises.

SEC. 5. Whenever it shall be necessary in the laying of said mains or pipes to take up any portion of the sidewalks or dig up the ground of the sidewalks of public