

[ Acts No. 4167, December 03, 1934 ]

**AN ACT TO AMEND SECTIONS ONE, TWO, THREE, FOUR, FIVE, SEVEN, AND NINE OF ACT NUMBERED THIRTY-SIX HUNDRED AND FORTY-FOUR, ENTITLED "AN ACT GRANTING TO LEON BORROMEO A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT, AND POWER SYSTEM IN ALL THE MUNICIPALITIES OF THE ISLAND OF CAMIGUIN, PROVINCE OF MISAMIS, PHILIPPINE ISLANDS," BY LIMITING SAID FRANCHISE TO THE MUNICIPALITY OF MAMBAJAO, IN SAID PROVINCE.**

*Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:*

SECTION 1. Sections one, two, three, four, five, seven, and nine of Act Numbered Thirty-six hundred and forty-four are hereby amended to read as follows:

"SECTION 1. Subject to the conditions established in this Act and the provisions of Act Numbered Thirty-one hundred and eight and amendments, applicable thereto, there is hereby granted to Leon Borromeo for a period of thirty-five years from the approval of this Act, the right, privilege, and authority to construct, maintain, and operate an electric light, heat, and power system for the purpose of generating and distributing electric light, heat, and power for sale within the limits of the municipality of Mambajao, Province of Misamis, Philippine Islands. The grantee shall further have the right and privilege to install, lay, and maintain on all the streets, public thoroughfares, bridges, and public places within said limits poles, conductors, interrupters, transformers, cables, wires, and other overhead appliances, and all other necessary apparatus and appurtenances for the furnishing and distribution of electric current, and to supply, sell, and furnish such current to any person, corporation, or public or private concern within said limits for provincial, municipal, domestic or manufacturing uses and for any other use that may be put, and to charge and collect a schedule of prices and conventional rates for the use of same: *Provided*, That the grantee shall not exercise any right or privilege under this franchise nor commence any construction thereunder unless and until he shall have obtained from the Public Service Commission a certificate showing the public necessity and convenience of the exercise of such rights and privileges and such construction, in accordance with Act Numbered Thirty-one hundred and eight, as amended, and shall have filed such certificate with the Secretary of Commerce and Communications upon accepting the terms and conditions of 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 poles erected by the grantee shall be of such a height as to maintain the wires stretched on the same at a distance of at least twenty feet above the level of the ground, and shall be of such appearance as

not to disfigure the streets, and shall be placed with due regard for the public safety so as not to be a danger for the same, in accordance with a plan approved by the municipal president, 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, 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 electrical engineer of the Public Service Commission on the application of 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 by said grantee to meet such demand, in accordance with the decision of the Public Service Commission, or its legal successor: *Provided, however,* That in case the point at which the electric light, heat, or power is to be supplied, is more than thirty meters from the lines or wires operated by said grantee, the latter shall not be obliged to furnish said service.

"SEC. 3. All apparatus and appurtenances used by the grantee or hereafter by his successors or assigns shall be modern and first class in every respect, and the electric transmission 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 use of said streets and public thoroughfares nor cause any injury to the public, danger of fire, or damage and inconvenience to the owners of property: *Provided,* That in the maintenance and operation of his plant and system and system of transfer the transmission and distribution of electric current, the grantee shall always be subject to such reasonable regulations as the municipal council of Mambajao may promulgate in the premises, and also to the regulations prescribed by the National Electric Code of America: *Provided, further,* That the grantee shall, whenever the Philippine Legislature, upon recommendation of the Public Service Commission, or its legal successor, so directs place said wires in underground pipes or conduits at his own expense, and without any cost and prejudice to the municipality above mentioned.

"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 of the sidewalks of the public streets or thoroughfares, then the said grantee shall, after said poles are erected, without delay replace said sidewalks in the proper manner or arrange said streets or public thoroughfares, removing from the same all rubbish, dirt, refuse, or other material which may have been placed there, taken up or dug up in the erection of said poles, leaving them in as good condition as they were before the work was done; and whenever it shall become necessary, by reason of the extension of streets or plazas determined upon by the municipal council above mentioned or by reason of the extension of roads determined upon by the provincial board of Misamis, to change the location of said poles, such change shall be made by the grantee, his successors or assigns, at their expense, without delay, and said poles shall be placed where directed by said municipal council.