

[Act No. 3649, December 07, 1929]

AN ACT GRANTING TO THE TAYABAS LIGHT AND POWER COMPANY, INCORPORATED, A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT, AND POWER SYSTEM IN THE MUNICIPALITY OF TAYABAS, PROVINCE OF TAYABAS, PHILIPPINE ISLANDS.

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. 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 the Tayabas Light and Power Company, Incorporated, a corporation duly organized under the laws of the Philippine Islands, for a period of fifty years from the approval of this Act, the right, privilege, and authority to erect, construct, maintain, and operate in the municipality of Tayabas, Province of Tayabas, along and on all the streets, public thoroughfares, and public places thereof, poles, wires, and all other necessary apparatus and appurtenances for the transmission and distribution of electric current for electric power, heat, and light and any other purpose for which electricity may be used, and to furnish electric power, heat, and light within the limits of said municipality of Tayabas for domestic and industrial uses and for any other use to which electricity may be put, and to charge and collect rates, prices, and compensation for such electric power, heat, and light: *Provided*, That such rates, prices, and compensation shall be subject to regulation by the Public Service Commission or its successors.

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 in accordance with a plan approved by the municipal authorities, 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 Public Service Commission or its successors 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: *Provided*, 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 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: *Provided*, That the grantee shall, whenever the Public Service Commission or its successors so direct, place said wires in underground pipes or conduits at its own expense and without any cost and prejudice to the municipality of Tayabas.

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.

SEC. 5. Whenever any person has obtained permission to use any of the streets or public thoroughfares of the municipality above mentioned for the purpose of removing any building or in the prosecution of any municipal work or for any other just cause whatsoever, making it necessary to raise or remove any of said electric wires which may obstruct the removal of said building or hinder the prosecution of said work, the said grantee, upon written notice by the municipal president of said municipality served upon said grantee at least forty-eight hours in advance, shall raise or remove any of said wires which may hinder the prosecution of such work or obstruct the removal of said building so as to allow the free and unobstructed passage of said building and the free and unobstructed prosecution of said work, and the person or entity at whose request the building has been moved or the construction undertaken, shall pay one-half of the actual cost of removing or raising and of replacing the poles, wires, and other overhead or underground conductors. The notice shall be served upon the grantee or its duly authorized representative or agent by a person competent to testify in a civil action, and in case of the refusal or failure of the grantee to comply with such notice, said municipal president, with the proper approval of the municipal council first had, shall order such poles or wires to be raised or removed at the expense of said grantee.

SEC. 6. The grantee shall be liable to the municipality above named for any injury arising from any claims caused by accidents to person or property by reason of the construction under this franchise or of any neglect or omission to keep the said poles and wires in a safe condition.

SEC. 7. This Act and the privilege and rights hereby granted shall not take effect unless and until the grantee shall have filed its written acceptance of the terms and provisions of this Act with the Secretary of Commerce and Communications within one hundred and twenty days from the date on which this Act takes effect.

SEC. 8. The grantee shall pay on its real estate, buildings, plant, machinery, and other personal property the same taxes as are now or may hereafter be required by law from other persons, with the exception of the property expressly declared exempt in this section. In consideration of the franchise hereby granted, the grantee shall pay into the municipal treasury of Tayabas where it is furnishing electricity to the public under this franchise, a tax equivalent to two per centum of its gross earnings from its sales of electric current under this franchise. Said percentage shall be due and payable quarterly and shall be in lieu of taxes and assessments of any nature now or hereafter required, established, or collected by any authority on its poles, wires, insulators, switches, transformers, and other structures, installations, and equipment, and accessories on and across the streets, avenues, roads, thoroughfares, bridges, and other public places, and on its franchises, rights, privileges, receipts, income, and profits, from which taxes and assessments the grantee is hereby expressly declared exempt.