

[Act No. 3648, December 07, 1929]

AN ACT GRANTING TO THE ESCUDERO ELECTRIC SERVICE COMPANY A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT, AND POWER SYSTEM IN THE MUNICIPALITIES OF SAN PABLO AND ALAMINOS, PROVINCE OF LAGUNA, AND IN THE MUNICIPALITIES OF DOLORES AND TIAONG, 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, there is hereby granted to the Escudero Electric Service Company, hereinafter known as the grantee, a corporation duly organized under the laws of the Philippine Islands, and domiciled in the municipality of San Pablo, Province of Laguna, Philippine Islands, for a period of fifty 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 municipalities of San Pablo and Alaminos, Province of Laguna, of the municipalities of Dolores and Tiaong, Province of Tayabas, Philippine Islands. The grantee shall further have the right and privilege to install, lay, and maintain in, along, under, and over all public property of the municipality or municipalities, including the public streets and highways, provincial roads, bridges, and public squares within said municipality or municipalities all necessary apparatus and appurtenances for the transmission and distribution of electric current, and to supply, sell, and furnish such current to any individual, copartnership, private, public, or quasi-public association, corporation, or joint-stock company, within the limits of said municipality or municipalities for insular, provincial, municipal, domestic, or manufacturing uses, or for any other use to which electricity may be put, and to charge and collect a schedule of prices and rates for the use of electric current so furnished, which schedule of prices and rates shall at all times be subject to regulation by the Public Service Commission or its legal successor.

SEC. 2. Said grantee shall supply electric power, and or heat, and or light to any applicant for the same within fifteen days after the date of his application, in the order of the date of the application up to the limit of the capacity of the plant of said grantee, said limit to be determined by the Public Service Commission or its legal successor in such certificate or certificates of public necessity and convenience as may be issued by it as prescribed by section eight of this Act; and should the demand for electric power, and or heat, and or 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 such reasonable extent and within such reasonable time as may be fixed by the Public Service Commission or its legal successor. If, however, the point at which the electric power, and or heat, and or light is to be supplied is more than thirty meters from the lines operated by said grantee, the latter shall not be obligated to furnish said service, except upon the receipt of such additional prices and rates as the Commission, or its legal successor, may determine to be just and reasonable.

SEC. 3. The grantee hereby agrees to compensate the municipality or municipalities

for any damage to their property by reason of the construction under this franchise or of any neglect or omission to keep the said poles, wires, and other property in a safe condition, and to be responsible for any damage to individuals, copartnerships, private, public, or quasi-public associations, corporations, or joint-stock companies, arising out of such fault, neglect or negligence.

SEC. 4. All apparatus and appurtenances used by the grantee shall be modern, safe, and first class in every respect. All wires shall be carefully connected, fastened, and insulated, and the grantee shall, whenever the Public Service Commission or its legal successor shall determine that the public interest reasonably requires it, place said wires in underground pipes or conduits at its own expense and without any cost or prejudice to the municipality or municipalities. 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, in accordance with a plan previously approved by the municipal authorities concerned.

SEC 5. whenever it shall, in the opinion of the Public Service Commission or its legal successor, become necessary in the public interest or convenience, to change the location of the grantee's poles, underground pipes or conduits, such change shall be made without delay by the grantee, its successors or assigns, at the grantee's expense, and the same shall be placed where directed by the proper municipal authorities.

SEC. 6. Whenever it shall be necessary in the erection of said poles, or in the placing of said wires in underground pipes or conduits, to take up any portion of the sidewalks or dig up the ground near the sidewalks or corners of the public streets or thoroughfares, the grantee shall, after said poles or underground pipes or conduits are constructed, replace without delay said sidewalks and other property in a proper manner, 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, underground pipes or conduits, leaving all property in as good condition as before the work was done.

SEC. 7. Whenever any individual, copartnership, private, public or quasi-public association, corporation or joint-stock company has lawfully obtained permission to use any of the public property of said municipality or municipalities, including the public streets and highways, provincial roads, bridges, and public squares, for any cause whatsoever, making it necessary to raze or remove any of said poles and or electric wires and or pipes, which may hinder or obstruct the prosecution of said work, the said grantee, upon written notice by the municipal council of Baid municipality, served upon the grantee in person or upon its duly authorized agent at least forty-eight hours in advance, shall raze or remove any of its poles and or wires and or conduits and or pipes which might hinder or obstruct the prosecution of said work so as to allow the free and unobstructed prosecution of said work. The notice shall be in the form of a duly adopted resolution of the municipal council concerned, served upon the grantee or its duly authorized agent by a person competent to testify in a civil action. The individual, copartnership, private, public or quasi-public association, corporation, or joint-stock company at whose request the razing or removing of said poles and or electric wires and or conduits and or pipes has been done shall pay one-half of the actual cost thereof to the grantee, and also one-half

of the actual cost of their replacement. In case of the refusal or failure of the grantee to comply with such notice, the municipal president concerned, with the approval of the municipal council first had, shall order such poles and or electric wires and or conduits and or pipes razed or removed at the sole expense of said grantee.

SEC. 8. If the grantee does not file the proper application for a certificate or certificates of public necessity and convenience with the Public Service Commission or its legal successor, within ninety days from the date of approval of this Act, this franchise shall become null and void.

The grantee shall not exercise any rights or privileges under this franchise nor commence any construction thereunder unless and until the grantee shall first file with the Public Service Commission, or its legal successor, within one hundred and twenty days from the date of issuance by the Public Service Commission of the said first certificate or certificates of public necessity and convenience:

- (1) Its written acceptance of the terms and provisions of this Act; together with
- (2) Its written acceptance of the term and conditions of the first certificate or certificates of necessity and convenience issued by the Public Service Commission, or its legal successor, of the form and character provided for in Act Numbered Three thousand one hundred and eight, as amended, specially authorizing said construction; together with
- (3) A document or documents evidencing receipt of the deposit or deposits required by section nine of this Act by the Insular Treasurer.

The Public Service Commission or its legal successor shall have power to issue certificates of public necessity and convenience whenever it shall, after due hearing, determine that such construction or the exercise of the rights or privileges under this franchise is necessary and proper for the public convenience and properly conserves the public interest, and the Commission or its legal successor shall have the power in so acting to impose all such conditions as to construction, equipment, maintenance or operation of the service as the public convenience and interest may reasonably require.

If the grantee shall not commence the furnishing of electric current in any municipality or municipalities referred to in any certificate or certificates of public necessity and convenience obtained and filed as herein provided within such period as the Public Service Commission or its legal successor have fixed, unless prevented by act of God or *force majeure*, usurped or military power, martial law, riot, civil commotion, or other cause beyond its control, said Commission or its legal successor may in its discretion declare such certificate or certificates to be null and void, and the deposit or deposits made by the grantee as hereinafter provided in section nine forfeited to such municipality as liquidated damages and not as a penalty.

SEC. 9. For every certificate of public necessity and convenience obtained by it, the grantee shall be required by the Public Service Commission or its legal successor to make a deposit of not less than one thousand pesos, Philippine currency, or negotiable bonds of the United States or other securities approved by the Public