

[Act No. 3487, December 08, 1928]

AN ACT GRANTING TO VICENTE SALDAFLA A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN A WATER SUPPLY SYSTEM IN THE MUNICIPALITY OF SAMAL, PROVINCE OF BATAAN, 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 Vicente Saldana, for a period of fifty years from the approval of this Act, the right, privilege, and authority to construct, maintain, and operate a water supply system for the purpose of distributing water for sale within the limits of the municipality of Samal, Province of Bataan, Philippine Islands. For this purpose, the grantee shall have the right and privilege to drill, maintain, and operate artesian wells on land owned or duly acquired by him for said purpose within the aforesaid limits, to install and maintain on said land hydraulic pumps moved by steam or otherwise, if necessary, and adequate tanks at suitable heights for storing the water from said artesian wells, and to install, lay, and maintain above or below the ground on the right of way duly acquired by said grantee, or below the ground on all the streets, public thoroughfares and public places and along or under the bridges within said limits, water mains, pipes, and conduits, and all other necessary apparatus and appurtenances for the furnishing and distribution of the water contained in said tanks, and to supply, sell, and furnish water to any person, corporation or public or private concern within said limits for provincial, municipal, 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: *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. All water mains and pipes situated within the strong-material zone of the municipality of Samal, Province of Bataan, 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 storage tanks and the source of supply and said limits of the strong-material zone of the municipality may be put above the ground 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 district engineer, 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 constructed, the grantee herein shall forthwith change such portion of said mains and pipes as the district engineer may direct in writing, and 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 district engineer 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 or its lawful successor : *Provided*, That the distribution system pipes shall be installed, laid, maintained, and operated only on such streets and public places of the municipality as the district engineer may, with the approval of the municipal council, designate: *And provided, further*, That the grantee in furnishing water to applicants therefor, as stated, shall make all connections with his mains and shall be entitled to demand and charge therefor the cost of the labor and material used in making the same.

SEC. 3. All apparatus and appurtenances used by the grantee shall be modern and first class in every respect, and the water mains and pipes shall, as above provided, be placed at a depth of at least forty-five centimeters under the surface of the street, measured from such surface to the upper part of such mains or pipes, and when laid in streets or public places, they shall be so placed and maintained as not to interfere in any manner with the unrestricted use of such public places and streets: *Provided*, That 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 or its legal successor may promulgate in the premises.

SEC. 4. 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 streets or thoroughfares, then the said grantee shall, after said mains or pipes are laid, 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 laying of said mains or pipes, 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 roads determined upon by the provincial board of Bataan, or by reason of the extension of streets or plazas determined upon by the municipal council of the municipality above mentioned to change the location of said mains or pipes, such change shall be made by the grantee, his successors or assigns, at their expense, without delay, and said mains or pipes shall be placed where directed by said provincial board or said municipal council.

SEC. 5. 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 mains or pipes, artesian wells, hydraulic pumps, and tanks in a safe condition.

SEC. 6. The grantee shall have the right to acquire or obtain by grant, lease or purchase sufficient land for the drilling thereon of artesian wells, the placing of hydraulic pumps moved by steam or otherwise, and the erection of buildings and of tanks at suitable heights for the storage of the water from said artesian wells, and a right of way separate from all streets and public highways not to exceed ten meters