

[Act No. 3407, December 05, 1927]

AN ACT GRANTING TO THE COMPANY KNOWN AS ILAGAN ELECTRIC AND ICE PLANT, INCORPORATED, A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT, AND POWER SYSTEM IN THE MUNICIPALITY OF ILAGAN, PROVINCE OF ISABELA, 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 its amendments, applicable thereto, there is hereby granted to the company known as Ilagan Electric and Ice Plant, Incorporated, for a period of fifty years from the approval of this Act, the right, privilege, and authority to construct, maintain, and operate on all the streets, public thoroughfares, and public places within the limits of the municipality of Ilagan, Isabela, 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 use to which electricity may be put, and to furnish electric power, heat, and light within said municipality of Ilagan, Province of Isabela, for municipal, domestic, or manufacturing uses and for any other use to which electricity may be put, and to charge and collect a schedule of prices and conventional rates for the use of same: *Provided*, That said prices shall always be subject to rules provided by act of the Philippine Legislature or by the entities or authorities authorized by law, and shall in no case exceed thirty centavos per kilowatt.

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 provincial or municipal authorities, represented by the provincial governor or municipal president, as the case may be, 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, and as between such applicant and other like applicants, 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 company or 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 eighty 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 said 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 its plant and system for the transmission and distribution of electric current, the miss grantee shall always be subject to such reasonable regulations as the municipal council of Ilagan and the provincial board of Isabela 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 or of the Public Service Commission or its legal successor, so directs, place said wires in underground pipes or conduits at its 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 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 roads determined upon by the provincial board of Isabela 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 poles, such change shall be made by the grantee, its successors or assigns, at their expense, without delay, and said poles shall be placed where directed by said provincial board or said municipal council.

SEC. 5. Whenever any person has obtained permission « to use any of the streets or public thoroughfares of the wir 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 poles or 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 in the usual form, 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, for the purpose aforesaid: *Provided, however*, That the grantee may appeal from any such decision to the provincial board of Isabela, whose decision shall be final.

SEC. 6. The grantee shall be liable to the municipality of Ilagan 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. Said grantee shall file its written acceptance of this franchise with the Secretary of Commerce and Communications within ninety days from the date when it obtained the certificate required by section one of this Act and shall commence