

[Act No. 3215, December 06, 1924]

AN ACT GRANTING TO GABRIEL T. HERNANDEZ A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT, AND POWER SYSTEM IN THE MUNICIPALITY OF DAET, PROVINCE OF CAMARINES NORTE, 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 applicable thereto, there is hereby granted to Gabriel T. Hernandez, his successors, or assigns, for a period of twenty-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 Daet, Province of Camarines Norte, and its surroundings and barrios. The grantee shall further have the right and privilege to install, lay, and maintain on all the streets, public thoroughfares, bridges, and public places of said municipality and its surroundings and barrios, 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 to produce or furnish light, heat, or power, and for any other use to which electricity may be put, and to furnish electric light, heat, and power within said municipality for provincial, 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 rates shall always be subject to regulation by act of the Philippine Legislature or by the entities or authorities authorized by law, and shall be in no case in excess of thirty centavos per kilowatt hour: *Provided, further*, That this franchise; shall not take effect until the grantee shall have obtained from the Public Utility Commission a certificate showing the public necessity and convenience of the same, in accordance with the purpose of subsection (i) of section fifteen of Act Numbered Thirty-one hundred and eight, and shall have filed such certificate with the Secretary of Commerce and Communications upon accepting this franchise: *And provided, further*, That if the grantee does not file the proper application for said certificate with the Public Utility Commission within one year from the date of the approval of this Act, this franchise shall become null and void.

SEC. 2. The concession of the right, privilege, and authority mentioned in the preceding section shall not take effect unless the grantee and his successors or assigns shall accept in writing and make part of this concession the following condition, to wit:

"That the grantee and his successors or assigns state in writing that they are informed of the message of the President of the United States addressed to the Filipino people and communicated to said people by the Governor-General ' of the Philippine Islands on the sixth day of October, nineteen hundred and thirteen, and of the reply message of the Philippine Assembly made in the name of the Filipino

people and approved and sent on October sixteenth, nine teen hundred and thirteen; that said grantee and his successors or assigns bind themselves not to engage in or aid, by means of contribution in cash or otherwise, any propaganda directed against the policy of the Government of the United States outlined in such message of the President and the aspirations of the Filipino people set forth in said reply message of the Philippine Assembly, whether under the pretext of vested interests or under any other pretext, and that said grantee and his successors or assigns shall further bind themselves to exact a similar engagement from their administrators, agents, successors, and assigns."

SEC. 3. 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 provincial or municipal authorities concerned, represented by the provincial governor of Camarines Norte or the municipal president of Daet, 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 Utility 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, upon authorization by the municipal council of Daet: *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. 4. All apparatus and appurtenances used by the grantee or thereafter by his successors or assigns shall be modern and first class in every respect, and the electrical 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 and his successors or assigns shall, whenever the Philippine Legislature or its successors, upon recommendation of the Public Utility Commission or its legal successors, so direct, place said wires in underground pipes or conduits at their own expense, and without any cost or prejudice to the municipality of Daet.

SEC. 5. Whenever it shall be necessary in the erection of said poles to take up any portion of the pavement or sidewalks of the public streets or thoroughfares or dig up the ground near the sidewalks or corners of the public streets or thoroughfares, then the said grantee shall, after said poles are erected, without delay replace said pavement or sidewalks in the 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, 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 provincial roads determined upon by the provincial board of Camarines Norte, or by reason of the extension of streets or plazas determined upon by the municipal council of Daet, 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 provincial board or said municipal council.

SEC. 6. Whenever any person has obtained permission to use any of the streets or public thoroughfares of the municipality of Daet 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 Daet, served upon said grantee at least forty-eight hours in advance, shall raise or remove any of said poles or 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, or 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, the municipal president of Daet, after obtaining the proper approval of the municipal council of Daet, shall order such poles or wires "to be raised or removed at the expense of said grantee, for the purposes aforesaid: Provided, however, That the grantee may appeal from any such decision to the provincial board of Camarines Norte, whose decision shall be final.

SEC. 7. The grantee shall be liable to the municipality of Daet 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. 8. Said grantee shall file his written acceptance of this franchise with the Secretary of Commerce and Communications within one hundred and twenty days from the date when he obtained the certificate required by section one of this Act, and shall commence work under the supervision and subject to the approval of the electrical engineer of the Public Utility Commission, within six months' time from and after the date of filing such acceptance, unless prevented by act of God or *force majeure*, usurped or military power, martial law, riot, or civil commotion or other inevitable cause, and shall complete the system and have the same in operation within eighteen months from the date of such acceptance, and shall thereafter maintain a first-class electric light, heat, and power service: Provided, B That in consideration of the franchise hereby granted, the grantee, his successors, or assigns shall pay quarterly into the municipal treasury of Daet one per centum of the gross earnings of their business during the first ten years, and two per centum during the remaining fifteen years of the life of this franchise.

SEC. 9. Upon the acceptance of this franchise, the grantee shall deposit in the Insular Treasury or with any of its agents in the Province of Camarines Norte, one thousand pesos, or negotiable bonds of the United States or other securities approved by the Secretary of Commerce and Communications, of the face value of one thousand pesos, as an earnest of good faith and a guarantee that he will begin the electric light, heat, and power business and may be completely provided with the necessary equipment therefor and ready to begin operation in accordance with