

[Act No. 2842, March 08, 1919]

AN ACT GRANTING TO JOSE HERNANDEZ A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT, AND POWDER SYSTEM IN THE MUNICIPALITY OF CAPIZ, PROVINCE OF CAPIZ, 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 Twenty-three hundred and seven and its amendments, applicable thereto, there is hereby granted to Jose Hernandez, his successors and assigns, for a period of fifty years from the approval of this Act, the right, privilege, and authority to construct, maintain, and operate in all streets, public thoroughfares, and public places within the limits of the municipality of Capiz, Province of Capiz, poles, wires, and all necessary apparatus and appurtenances for the transmission and distribution of currents for electric power, heat, and light, within said municipality of Capiz, Province of Capiz, 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 for the use of the 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 forty centavos per kilowatt: *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 section twenty-three of Act Numbered Twenty-three hundred and seven, as amended, 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 three months 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 shall accept in writing and make part of the concession the following condition, to wit:

"That the grantee state in writing that he is 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, nineteen hundred and thirteen; that said grantee binds himself 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 further binds himself to exact a similar engagement from his 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 municipal council of Capiz, 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 proper district engineer 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 to meet such demand, upon authorization by the municipal council of Capiz: *Provided*, That if the point at which the electric power, heat, or light is to be supplied, is more than thirty meters from the lines or wires operated by said grantee, said grantee shall not be obliged to furnish such service.

SEC. 4. 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 thoroughfares: *Provided*, That the grantee herein shall, whenever the Philippine Legislature or its successors so direct, place said wires in underground pipes or conduits at his own expense and without any cost or damage to the municipality of Capiz.

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 streets or public thoroughfares or dig up the ground near the sides or the 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 and remove 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 streets or plazas determined upon by the municipal council of Capiz, 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 the said municipal council.

SEC. 6. Whenever any person has obtained permission to use any of the streets or public thoroughfares of the municipality of Capiz for the purpose of removing any building or in the prosecution of any municipal work, or for any other good reason, 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 grantee, upon written notice from the municipal president of Capiz, served on 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 replacing the poles and raising and removing the wires or other overhead or underground conductors. The notice shall be served in the usual