

[Act No. 2769, March 05, 1918]

AN ACT AUTHORIZING VICENTE LOPEZ, OF ILOILO, PHILIPPINE ISLANDS, AND HIS SUCCESSORS AND ASSIGNS, TO LAY OUT, CONSTRUCT, EQUIP, MAINTAIN, AND OPERATE RAILROAD LINES ON THE ISLAND OF NEGROS, IN THE 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. Vicente Lopez, a resident of the city of Iloilo, Philippine Islands, is hereby granted the necessary authorization to locate, construct, equip, maintain, and operate, subject to the terms and conditions hereinafter set out, during a period of ninety-nine years from and after the approval of this Act, railroad lines of a gauge of not less than seventy-five centimeters, on the Island of Negros, in the Province of Occidental Negros, Philippine Islands, along routes to be determined by the grantee, between the pueblo of Victorias, in the said municipality of Victorias, on the northeast coast of said Island, and the pueblo of Himamaylan, in the municipality of Himamaylan, on the west coast of said Island, an approximate distance of two hundred kilometers, as well as such branches as the grantee may consider necessary: *Provided, however,* 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 privilege mentioned in the preceding section shall not take effect unless the grantee shall accept in writing and make part of this 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 contributions 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 shall further bind himself to exact a similar engagement from his administrators, agents, successors, and assigns."

SEC. 3. The grantee shall have the right to construct and maintain for the operation of said railroads any and all tracks (single, double, or more), switches, side tracks,

spurs, bridges, viaducts, culverts, fences, and other structures ; and all depots, station houses, engine houses, car houses, freight houses, wood houses, and other buildings; and all machine shops and other shops, water tanks, turntables, superstructures, erections, and fixtures; and all elevators, warehouses, wharves, piers, and such other facilities at the terminals as may be necessary for operating said railroads, and also any hotels or restaurants at any station or terminal.

SEC. 4. Under and by virtue hereof the right of way through the public lands of the Philippine Government is hereby given and granted to the grantee for the construction, operation, and maintenance of the railroads herein authorized, to the extent of thirty meters for single track lines and to the extent indispensable for double track lines, and for depots, machine shops, station buildings, workshops, water stations, warehouses, terminals, including wharves, switches, side tracks, and turntables, and other works and structures hereby authorized, and also such extra lands beyond such thirty meters as may be indispensable for said purposes; and the grantee shall have the right, power, and authority, with the approval of the" Secretary of Agriculture and Natural Resources and subject to the conditions imposed by the same, to work and open, in accordance with law, quarries and gravel pits upon any public lands, and take from such lands earth, stone, timber, and other materials for the construction of such railroads or other works herein authorized.

SEC. 5. The grantee shall have the right, with the approval of the Governor-General, to cross or occupy such e parts of public roads, alleys, and streets, acquire title to such other municipal or provincial lands, as may be necessary, on terms to be agreed upon by the grantee and the proper provincial or municipal authorities, as the case may be; and in case of failure to agree upon the terms thereof, such terms shall be fixed by the Governor-General. Lands or rights of use and occupation of lands granted under the foregoing provisions of this section shall revert to the governments by which they were respectively granted upon the termination of this franchise or concession, or upon its revocation or repeal.

SEC. 6. The grantee shall also have the right to acquire from public or private corporations, or private individuals, by purchase, lease, grant, or donation, any lands which may be necessary for the construction, maintenance, and operation of the said railroads or for any other works incidental to the exercise of the powers conferred by this franchise.

SEC. 7. The grantee may acquire by condemnation any lands or other property or rights necessary for the right of way, bridges, terminals, sidings, stations, engine houses, water stations, and other appropriate buildings and structures as herein authorized, for the proper and convenient construction, operation, and maintenance of the lines of railroad herein authorized; but no lands within the boundaries of any province, city, town, or municipality shall be acquired by the grantee if the same are in actual use for governmental, provincial, or municipal purposes. The right of condemnation or eminent domain shall be exercised by the grantee in accordance with the laws of the Philippine Islands at the time being in force.

SEC. 8. The grantee shall have the right to construct and operate telegraph, telephone, and electrical transmission lines over the right of way of said lines for use in the construction and operation of said railroads.

SEC. 9. All materials imported into the Philippine Islands from the United States or foreign countries for the construction or equipment of said railroads which shall really and actually be used for such construction and equipment, shall be admitted free of duty. In no case shall such imported materials be sold or used for purposes other than the construction and equipment of said railroads, unless the Secretary of Finance shall be convinced that they have ceased to be necessary for such construction and equipment and that the customs duties on such materials have thereupon been duly paid.

SEC. 10. All material used shall be of good quality and adapted to the conditions of the country. The rails shall be steel rails weighing fifteen kilograms per meter with a resistance of three thousand five hundred kilos. On each kilometer of track there shall be used at least twelve hundred ties of native hard wood, one meter and fifty centimeters long, seven inches wide and five inches thick. The track of the railways shall be of the gauge of at least seventy-five centimeters. The bridges, culverts, and buildings shall be of masonry and steel, but with the authorization of the Secretary of Commerce and Communications, provisional structures of wood may be erected.

SEC. 11. Before commencing with the construction of any section of said railroads, the grantee shall file with the Director of Public Works three copies of the plan and cross section thereof of the project and its construction, accompanied by three copies of the descriptive report. Upon receipt of the same, the Director of Public Works shall examine them without delay and remit them thereafter with his report to the Public Utility Commission, which shall submit them, with its recommendation, to the Secretary of Commerce and Communications, for his approval. Upon the approval of the plans, two of the three copies thereof and of the descriptive report shall be filed in the proper office of the Government and the other shall be delivered to the grantee. The maximum grade of the construction shall be two per centum and the minimum curve shall have a radius of two hundred meters.

SEC. 12. Before opening all or part of said railroad lines to the public service, the grantee shall notify the Director of Public Works in writing that said lines, or part thereof which he proposes to inaugurate are ready for the transportation of passengers and freight. Upon receiving such notice, the Director of Public Works shall order an immediate inspection to be made of said lines, or the part thereof which it is proposed to open, and of the engines and rolling stock to be used, and if he finds everything in accordance with the law, he shall so report to the Public Utility Commission, recommending that the opening of said lines or the part thereof duly completed and fit for traffic be authorized, and the Commission shall take such action as it may in its discretion deem proper.

SEC. 13. Before opening any section of said railroad lines to the transportation of passengers and freight, the grantee shall submit for approval by the Public Utility Commission the regulations for the operation of said lines. These regulations upon approval by said Commission shall have the force of law, but shall be subject to such amendments as practice may counsel and said Commission authorize or direct.

SEC. 14. The freight and passenger rates on said lines shall be subject to regulation by the Public Utility Commission, in accordance with the provisions of Act Numbered Twenty-three hundred and seven of the Philippine Legislature, as amended. Copies of the schedules of rates shall be posted in conspicuous places in the stations.