

[ Act No. 2765, March 02, 1918 ]

**AN ACT GRANTING A FRANCHISE TO JUAN VIDAURAZAGA TO CONSTRUCT AND, FOR A PERIOD OF FIFTY YEARS, TO MAINTAIN AND OPERATE BY STEAM OR OTHER POWER AN AERIAL TRAMWAY ONE HUNDRED AND FIVE METERS IN LENGTH FROM A POINT APPROXIMATELY TWENTY-FOUR METERS FROM THE RESIDENCE OF THE GRANTEE WHICH IS LOCATED NEAR THE PROPOSED SUGAR CENTRAL TO THE OPPOSITE BANK OF THE HOG RIVER, KABANKALAN, OCCIDENTAL NEGROS.**

*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. Juan Vidaurazaga, a resident of the Philippine Islands, upon the terms and conditions hereinafter set out, is hereby authorized to construct and, for a period of fifty years after the approval of this Act, to maintain and operate by steam or other mechanical power an aerial tramway one hundred and five meters in length from a point approximately twenty-four meters from the residence of the grantee, which is located near the present old mill and the proposed sugar central of the San Isidro Hacienda, to the opposite bank of the Hog River, Kabankalan, Occidental Negros, including such anchorages and supporting towers as may be necessary for the proper operation of the aerial tramway. The tariff of charges of the grantee, his successors or assigns shall be subject to regulation by the 1 Public Utility Commission or its lawful successors, and the service furnished by the same shall also be subject to inspection and regulation by said Commission. 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: Provided, That if the grantee does not file the proper application for the certificate mentioned with the Public Utility Commission within three months from and after the date of the approval of this Act, this franchise shall become null and void.

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

"That the grantee, 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, nineteen hundred and thirteen; that said grantee, his successors or assigns, bind themselves 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, his successors or assigns, shall further bind themselves to exact a similar engagement from their administrators, agents, successors, and assigns."

SEC. 3. The aerial tramway shall be of the cable system, with necessary stations for power and for receiving and discharging sugar cane, and shall be constructed upon a right of way selected by the grantee and approved by the Director of Public Works: Provided, however. That should it be necessary in the construction thereof to occupy lands of private ownership, the same shall be occupied only after they have been legally acquired by the grantee.

SEC. 4. The tramway, including the stations, supporting towers, cables, cars, and other accessories, shall be so constructed as not to interfere with navigation upon the Hog River.

SEC. 5. The tramway shall be constructed in accordance with plans to be presented by the grantee and approved in writing by the Director of Public Works. These plans shall be presented within three months after the date of securing the certificate required in section one of this Act, and the failure to do so shall produce the avoidance or forfeiture of this franchise. In the construction of the tramway and accessories, the grantee shall use the utmost precaution and shall do nothing to either delay or endanger navigation.

SEC. 6. Before opening the said aerial tramway to the public, the grantee shall give written notice to the Director of Public Works to the effect that said tramway is ready for the transportation of passengers and merchandise. The Director of Public Works, upon receipt of this notice, shall forthwith order the immediate examination of said tramway, and if he finds the same to be constructed in accordance with the requirements of this Act and properly completed and safe for the public service, he shall so inform the Public Utility Commission and recommend that its operation be authorized.

SEC. 7. The grantee shall be under a continuing obligation to keep in good repair the aerial tramway and its structures.

SEC. 8. The construction, operation, and maintenance of the aerial tramway system herein provided for shall be subject to the following terms, conditions, and limitations:

(a) The grantee shall file a petition describing the land he desires to obtain from the public domain, showing that the land is properly necessary for the enjoyment of the franchise to construct and maintain the aerial tramway herein described, and praying that the same be conveyed to him for the uses and purposes of said franchise. This petition shall be accompanied by a plot and survey of the land described in the petition. The Director of Public Works, after an examination of the petition and the plot, and after taking evidence, if necessary, shall, if he finds that the land petitioned for is necessary and proper for the enjoyment of the franchise herein granted, approve the same. The Director of Public Works shall then forward the petition with his approval to the Director of Lands, who shall, after due investigation, determine whether the land sought is public land and shall certify his finding to the Secretary of Agriculture and Natural Resources, who, if satisfied as to