

[Act No. 2654., February 24, 1916]

AN ACT GRANTING TO ALFREDO PARDO DE TAVERA A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT, AND POWER SYSTEM IN THE MUNICIPALITIES OF SAN FERNANDO AND BACOLOR, PROVINCE OF PAMPANGA, PHILIPPINE ISLANDS.

By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. Subject to the conditions established in this Act and the provisions of Act Numbered Twenty-three hundred and seven and amendments thereof, applicable hereto, there is hereby granted to Alfredo Pardo de Tavera, his successors and assigns, for a period of fifty years from the passage of this Act, the right, privilege, and authority, to construct, maintain, and operate in all streets, public thoroughfares, and public places in the municipalities of ban Fernando and Bacolor, Province of Pampanga, poles, wires, and all necessary apparatus and appurtenances for the transmission and distribution of current for electric power, heat, and light, and for any other purpose for which electricity may be used, and to furnish electric power, heat, and light within said municipalities, 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 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.

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 this concession the following condition, to wit:

"That the grantee state in writing that he is informed of c 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 bind 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 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 concerned, and said grantee shall supply electric power, heat, and light to any applicant for the same (within fifteen days after the date of the 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 district engineer on the application of said association or 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 concerned: *Provided however*, That if the point at which the electric light, heat or power to be furnished is at a distance in excess of one hundred and fifty meters from the lines or wires operated by said concessionaire, then the said concessionaire shall not be required to furnish such service except upon the written order of the Board of Public Utility Commissioners or its successors.

SEC. 4. All apparatus and appurtenances used by the grantee shall be modern and first-class in every respect and the 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 the wires shall be stretched so as not to interfere with the free use of said streets and public thoroughfares: *Provided*, That the grantee 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 Province of Pampanga, or the municipalities of San Fernando and Bacolor.

SEC. 5. Whenever it shall be necessary in the erection of said poles to take up any portion of the sidewalk or dig up the ground near the sidewalks or the corners of the streets or public thoroughfares, then the said grantee shall, after said poles are erected, without delay replace said 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 a condition as they were before the work was done.

SEC. 6. Whenever any person has obtained permission to use any of the streets or public thoroughfares of either of the municipalities of San Fernando and Bacolor for the purpose of removing any building or in the prosecution of any municipal work or for any other cause whatsoever, making it necessary to raise or remove any of said wires which may obstruct the removal of said building or hinder the prosecution of said work, the said grantee by resolution of the municipal authorities concerned, and upon at least forty-eight hours' notice of the necessity of carrying out such work, 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, it being the duty of the person or entity at whose instance the removal of the building or structure has been made to pay one-half of the actual cost of replacing the poles and of putting or removing the wires or other overhead or subterranean conduits. Such notice shall be a duly adopted resolution of the municipal council, in writing, and served upon said grantee or its duly authorized representative or agent by any person competent to be a witness in a civil action; and in case of the refusal or failure of said grantee to comply with such notice, the municipal president, with the proper approval of the municipal council first had, shall order such 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 resolution to the Provincial Board of Pampanga, whose decision in this matter shall be final.