

[Act No. 2644., February 24, 1916]

AN ACT GRANTING TO EUSEBIO DIAZ CACITAS A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE MUNICIPALITY OF TABACO, IN THE PROVINCE OF ALBAY, 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 Eusebio Diaz Cacitas, 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 municipality of Tabaco, in the Province of Albay, Philippine Islands, 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 municipality of Tabaco, in the Province of Albay, Philippine Islands, 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 and conventional prices for the use of the same: *Provided*, That said prices shall always be subject to rules provided by Act of the Legislature or by the entities or authorities authorized by law, and shall in no case exceed thirty centavos per kilowatt: *Provided, however*, That this grant shall not become effective until the grantee shall have secured from the Board of Public Utility Commissioners a certificate of public necessity and convenience therefor as contemplated in section twenty-three of Act Numbered Twenty-three hundred and seven, and shall have filed the same with the Secretary of Commerce and Police.

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, nineteen hundred and thirteen; that said grantee and 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 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 in accordance with a plan approved by the municipal authorities, 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 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 demands upon authorization by the municipal council of Tabaco: *Provided*, That the point at which the electric power, heat, or light is to be supplied shall not be more than eighty meters from the lines or wires operated by said grantee.

SEC. 4. All apparatus and appurtenances used by the grantee or hereafter used by his successors or assigns shall be modern and first-class in every respect, and the electric 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 conducting electricity 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 herein shall, whenever the Philippine Legislature or its successors so direct, place said wires conducting -electricity in underground pipes or conduits at their own expense and without any cost or damage to the municipality of Tabaco.

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 sides or the corners of the streets or public thoroughfares, then the said grantee and his successors or assigns shall, after said poles are erected, without delay replace said sidewalks in the proper manner and remove from the said streets or public thoroughfares 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 the municipality of Tabaco, 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 electric wires which may obstruct the removal of said building or hinder the prosecution of said work, the said grantee and his successors or assigns, by resolution of the municipal authorities, 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 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