

[ Act No. 2647., February 24, 1916 ]

**AN ACT GRANTING TO MARIANO ABELLA E ISAAC A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT, AND POWER SYSTEM IN THE MUNICIPALITY OF NAGA, PROVINCE OF AMBOS CAMARINES, 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 thereto, there is hereby granted to Mariano Abella e Isaac, his successors or 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 within the limits of the municipality of Naga, Province of Ambos Camarines, Philippine Islands, poles, wires, and all necessary apparatus and appurtenances for the transmission and distribution of currents 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 Naga, Province of Ambos Camarines, 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 or 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.

SEC. 2. The concession of the right, privilege, and authority mentioned 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 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 demand, upon authorization by the municipal council of Naga: *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 used thereafter by his successors or assigns shall be modern and first class in every respect, and the electric transmission 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 public streets and thoroughfares: *Provided*, That the grantee, his successors or assigns herein shall, whenever the Philippine Legislature or its successors so direct, place said electric transmission wires in underground pipes or conduits at their own expense and without any cost or damage to the municipality of Naga.

SEC. 5. Whenever it shall be necessary in the erection of said poles to take up any portion of the sidewalks or dig up the ground near the sides or the corners of the public streets or thoroughfares, then the said grantee, his successors or assigns, shall, after said poles are erected, without delay, repair and rearrange said sidewalks as they were before, and remove from the said public streets or 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 public streets or thoroughfares of the municipality of Naga 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 transmission wires which may obstruct the removal of said building or hinder the prosecution of said work, the said grantee, his successors or assigns, upon resolution of the municipal authorities, and upon at least forty-eight hours' notice of the necessity of 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, and the person or entity at whose request the building was removed or the work prosecuted, shall pay one-half of the actual cost of replacing the posts and raising or removing the wires or other overhead or subterranean conductors. 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 approval of the municipal council first had, shall order such wires to be raised or removed at the expense of said grantee, for the purposes aforesaid: *Provided, however*, That the grantee may appeal from any resolution of this kind to the Provincial Board of Ambos Camarines, whose decision shall be final.

SEC. 7. The grantee shall be liable to the municipality of Naga for any injury arising