

[Act No. 2167, February 06, 1912]

AN ACT AUTHORIZING THE GRANTING OF A FRANCHISE TO DIVERT AND UTILIZE CERTAIN WATERS FOR THE PURPOSE OF GENERATING POWER FOR THE MAINTENANCE OF AN ELECTRIC LIGHT, HEAT, AND POWER SYSTEM, AND TO INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT, AND POWER SUPPLY SYSTEM IN THE MUNICIPALITY OF LUCBAN, PROVINCE OF TAYABAS, AND FOR OTHER PURPOSES.

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

SECTION 1. Authority is hereby granted to divert and utilize certain waters of the Pasipi River, in the municipality of Lucban, Province of Tayabas, for the purpose of generating power for the maintenance of an electric light, heat, and power system, and to install, operate, and maintain an electric light, heat, and power supply system in the municipality of Lucban, Province of Tayabas, and the Governor-General is hereby authorized, on behalf of the Government of the Philippine Islands, to offer for public bidding the franchise set forth in this Act, and to grant said franchise to the best bidder upon such terms as to the percentage of gross earnings paid in lieu of provincial and municipal taxes on the franchise or earnings thereof, which shall not in any case be less than one per centum, and under such terms and conditions as to time of advertisement and manner of bidding as he may deem proper.

SEC. 2. The franchise referred to in section one hereof shall be substantially in the following terms and form:

"FRANCHISE

"ARTICLE 1. There is hereby granted to

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for the period of thirty-five years from and after the passage of this Act, the right and privilege to divert and utilize the waters of the Pagsipi River, in the municipality of Lucban, Province of Tayabas, to generate and develop the power necessary to operate an electric light, heat, and power supply system in the said municipality of Lucban, Province of Tayabas; the right and privilege to construct, operate, and maintain dams, ditches, power-houses, transmission lines, and all other accessories in connection with the use of said waters, as herein provided; the right and privilege to install, maintain, and operate an electric light, heat, and power supply system in the municipality of Lucban,, Province of Tayabas, and the right and privilege to construct and place, maintain, and operate, in, along, and over any and all streets, thoroughfares, and public places in the municipality of Lucban, poles, wires, and all apparatus and appurtenances for the transmission and distribution of electric currents for electric light, heat, and power, for municipal, domestic, and industrial use in the said municipality of Lucban: *Provided*, That the water used for the purpose of this franchise shall be returned to the river in the manner and place approved by the Director of Public Works.

"ART. 2. The poles erected by the grantee shall be of such Poles. height as to support wires strung thereon at a distance of at least twenty feet above the ground, shall not be of such crooked or ungainly appearance as to disfigure the streets, and shall be placed in accordance with a plan which must have been approved by the municipal council; and said grantee shall supply electric power and light to any applicant for the same within thirty 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 of the province on the application of such person or said grantee; and should the demand for electric light or power at any time increase beyond the capacity of the plant of said grantee to supply the same, the capacity of the plant of said grantee shall be increased to meet such demand, if the Philippine Legislature shall so direct: *Provided*, That the point at which the electric light or power is to be supplied, as mentioned in this article,

is not more than fifty meters from the principal lines of the distribution wires of the grantee.

"ART. 3. All apparatus and appurtenances used by the grantee shall be modern and first class in every respect, and 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 shall be stretched so as not to interfere with the free and unobstructed use of said streets, public thoroughfares and places.

"ART. 4. Whenever it shall be necessary in the erection of said poles to destroy any portion or the sidewalks or dig up the ground etc. in any street or near the sides or corners of streets or public places, then the said grantee shall, after said poles are erected, without delay, replace the sidewalks and the soil in a scrupulous and workmanlike manner and remove from said sidewalks, streets, or public places all rubbish, sand and earth, or other material which may have been placed there, or dug up in the erection of the poles, and shall put such sidewalks, streets, or public places in as good a condition as before they were destroyed or disturbed.

"ART. 5. Whenever any person has obtained permission to use any of the streets of the municipality 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, upon forty-eight hours' notice from the municipal council of Lucban, 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 prosecution of the work. Such notice shall be a duly adopted resolution of the municipal council, in writing, and served upon said grantee or his 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 raised or removed at the expense of said grantee, for the purposes aforesaid.

"ART. 6. Said grantee hereby contracts and covenants to indemnify the municipality of Lucban for any injury arising from any casualty or accident to person or property by reason of the construction under this franchise or of any neglect or omission to keep the said poles and wires in a safe condition, and for all valid claims against said municipality for damages caused by said wires or electric currents conducted thereby. The municipality shall notify the grantee as soon as possible of the existence of any claim that may arise in cases in which said grantee is responsible to the municipality under the provisions of this article.

"ART. 7. The grantee shall file his acceptance of this franchise with the Secretary of Commerce and Police within ninety days from the date thereof, and shall commence work within ninety of filing of such acceptance, and shall complete the system and have the same in operation within eighteen months from the date of such acceptance, and shall thereafter maintain a first-class electric light, heat, and power service, and in consideration of the franchise hereby granted shall pay quarterly into the Insular Treasury to be distributed in accordance with Act Numbered Two thousand and ninety-six, the percentum of gross earnings of the enterprise agreed upon at the time of the award of this franchise, which shall be in lieu of all provincial and municipal taxes on the franchise and the privileges granted hereunder, except taxes on real estate: *Provided*, That such grantee shall be exempt from the payment of such percentage for a period of three years from the date of the acceptance of this franchise.

"ART. 8. Within three months after the filing of his acceptance, in writing, of this franchise, as herein provided for, the grantee shall deposit in the Insular Treasury one thousand pesos, and within nine months after such acceptance shall deposit in said Treasury the additional sum of nine thousand pesos, as a guarantee of the faithful performance of the conditions of this franchise and of the contract subject to which the