

[ Act No. 2034, February 03, 1911 ]

**AN ACT AUTHORIZING THE GRANTING ON CERTAIN  
CONDITIONS OF A FRANCHISE TO CONSTRUCT, MAINTAIN, AND  
OPERATE A STREET RAILWAY IN THE MUNICIPALITY OF CEBU.**

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

SECTION 1. Authority is hereby granted to construct, maintain, and operate a street railway over certain designated streets, thoroughfares, public bridges, and places in the municipality of Cebu, Province of Cebu, Philippine Islands, 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 percentage of gross earnings paid in lieu of Insular, provincial, and municipal taxes on the franchise and earnings thereof, which shall in no case be less than one and one-half per centum, and upon such terms and conditions as to advertisement and manner of bidding as he shall deem proper.

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

FRANCHISE.

ARTICLE 1. There is hereby granted to ..... for the period of fifty years from and after the passage of this Act, the right and privilege to construct, maintain, and operate a Right of way. street railway in the municipality of Cebu, over the streets, thoroughfares, public bridges, and places hereinafter designated, subject to all the laws and ordinances of said municipality which are not inconsistent with the provisions of this Act.

ART. 2. The grantee hereunder, his assigns and assignees, is authorized to make all necessary excavations and constructions in and upon any of the streets, thoroughfares, public bridges, and places designated in this Act, for the purpose of placing, removing, and repairing tracks, sidings, curves, switches, and connections, and to erect the necessary poles, wires, and other overhead structures connected therewith.

ART. 3. With the consent of the municipal council of Cebu previously obtained, the said excavations and constructions may be made in and upon the following streets of the said municipality:

(a) Commencing at the intersection of Calle de los Martires and Calle Lopez Jaena, along the latter street to Calle Mabini, thence to Calle Colon, thence to Calle Juan Climaco, thence along Calle Juan Climaco throughout the length of such street to Calle Magazines, thence across the bridge called Puente Concordia to Calle Tupas, thence along Calle Tupas to Calle Tuti on the west side of the San Nicolas Eoman Catholic Church, thence along the said Calle Tuti to Calle Padilla,

thence along Calle Padilla and its extension, in a westerly direction, to a point in front of the Eoman Catholic Church of the barrio of El Pardo.

(b) From the Concordia Bridge along Calle Magallanes to Calle Carmelo, thence to Calle Morga (Comercio), thence along the latter street to its intersection with Calle de los Martires, thence along Calle de los Martires throughout its entire length to the first intersecting street north of the Mabolo Eoman Catholic Church.

(c) From the intersection of Calle Magallanes and Calle Carmelo, along Calle Magallanes to Calle Pedro Burgos, thence along Calle Burgos to its intersection with Calle Morga.

(d) From the intersection of Calle Magallanes and Calle Norte America, along the latter street to its junction with Calle Colon.

(e) Reasonable and necessary changes in and extensions of the aforesaid lines and routes may be made by the grantee with the consent of the municipal council, and the approval of the Governor-General.

ART. 4. The grantee may lay double tracks upon each and all of the streets and thoroughfares mentioned in the last preceding article except Calle Lopez Jaena: Calle Mabini from Lopez Jaena to Calle Colon; Calle Padilla, in the barrio of San Nicolas, from Calle Colon to Calle Carlock; and Calle Norte America. Upon these excepted streets double tracks may be laid only after the express consent of the municipal council thereto has been obtained.

ART. 5. The motive power to be used by the grantee hereunder shall be electricity: Provided, That the grantee may at any time adopt other motive power for the good of the service, with the consent of the municipal council and the approval of the Governor-General.

ART. 6. In the construction of the track, standard rails of not less than twenty-four and eight-tenths kilograms in weight per meter shall be used, and where the same pass through or over any street or thoroughfare they shall be laid and maintained true to the finished grade of the street or thoroughfare, and the gauge of all tracks laid or maintained hereunder shall not be less than one meter six and sixty-eight hundredths centimeters.

ART. 7. The construction, operation, and maintenance of so much of the construction herein provided for as may be upon any public road, street, highway, or place shall be subject to the following terms, conditions, and limitations:

(a) The grantee shall in all cases lay and maintain his tracks so as to conform to the grades of the streets, thoroughfares, bridges, and public places along or across which said tracks may be constructed, and whenever such grades shall hereafter be established or altered by the municipal authorities of the municipality of Cebu the grantee shall lay

and maintain his tracks to such established grades at his own expense: *Provided*, That if the grade at which any such track is laid be altered by the municipal authorities of the municipality of Cebu within seven years from the date hereof, the said municipality shall at its expense furnish the material to enable the grantee to conform the bed of his track to the altered grade, and the material necessary to reconstruct the cement substructure of the track of the grantee at the new grade: *And provided further*, That whenever the grade at which any such track is laid is altered by the said municipal authorities after more than seven years from the date hereof, the municipality of Cebu shall furnish the material to enable the grantee to conform the bed of his tracks to the altered grade, but not the cement for the substructure of the track.

(b) The said tracks shall be so constructed and maintained as not to interfere with the ordinary use by the general public of said streets or highways as regulated by the municipal ordinances, and to that end the same shall be so laid as to leave sufficient space on one or both sides thereof for vehicles to pass without danger of collision with the cars being operated on said tracks.

(c) The maximum rate of speed at which the grantee may operate his cars shall be fixed by the municipal authorities wherever the same shall be operated over or across a street, highway, or public place.

(d) Members of the police and fire departments of the municipality of Cebu wearing official badges shall be entitled to ride free upon the cars of the grantee, subject to such reasonable and proper restrictions as may be imposed.

(e) The grantee shall hold the municipality of Cebu harmless from all claims, accounts, demands, or actions arising out of accidents or injuries, whether to property or persons, caused by the construction or operation of the road.

ART. 8. The grantee shall at all times keep the tracks, rolling stock, and other construction in good repair. Provision shall be made for carrying first and second class passengers: *Provided*, That except when demanded by special parties, all cars carrying first-class passengers shall be divided into first and second class compartments. The grantee shall at all times furnish and operate sufficient cars to satisfy the public demand, and to carry comfortably all the members of the public desiring to ride therein.

ART. 9. In consideration of the franchise hereby granted, the per centum of the gross earnings of the enterprise agreed upon at the time of the award of this franchise shall be paid quarterly into the Insular Treasury in lieu of all Insular, provincial, and municipal taxes on the franchise and the privileges granted hereunder, except taxes on real estate. The amount of gross earnings thus paid shall be distributed between the Insular Government, the Province of Cebu, and the municipality of Cebu, as may be provided by general law.