

[Act No. 1995, July 23, 1910]

**AN ACT AUTHORIZING THE GRANTEE OF THE FRANCHISE TO
INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT,
POWER, AND WATER SUPPLY SYSTEM IN THE MUNICIPALITY OF
ZAMBOANGA, MORO PROVINCE, PHILIPPINE ISLANDS.**

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

SECTION 1. Authority is hereby granted to erect, construct, maintain and operate an electric light, electric power, and water supply system in the municipality of Zamboanga, Moro Province, 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 provincial and municipal taxes on the franchise or earnings thereof, which shall in no case be less than one and one-half 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 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 an electric light, electric power, and water supply system in the municipality of Zamboanga, Moro Province, Philippine Islands, and the right and privilege to erect, construct, maintain, and operate in, along, and over any and all streets, thoroughfares, and public places within said municipality poles, wires, and all necessary apparatus and appurtenances for the transmission and distribution of electric currents for electric power and light and for any other purpose, excepting wireless, for which electricity may be used, and to construct, lay, maintain, and operate above or under the ground on the said grantee's duly acquired separate right of way or under the ground in all streets, thoroughfares, and public places within said municipality, pipes, mains, and conduits for the conveyance of water throughout said municipality, and to furnish electric power, light, and water within said municipality for governmental, municipal, domestic, or manufacturing uses and for any other use, excepting wireless, to which electricity or water may be put, and to charge and collect such tolls, rates, and compensation for such power, light, and water, and use as may from time to time be previously approved by the Board of Rate Regulation created by Act Numbered Seventeen hundred and seventy-nine, entitled 'An Act to create a board for the regulation of rates chargeable by public-service corporations in the Philippine Islands, and for other purposes,' and to which said Act this franchise is expressly made subject, or by any successor to said Board, or by any future Act or law.

"ART. 2. The poles and brackets erected by the grantee shall be Poles and brackets of such 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 erected and placed in a good and workmanlike manner in accordance with a plan which shall be previously approved by the engineer of the Moro Province. All water pipes and mains within the fire water pipes or limits of the municipality of Zamboanga, as the same are now established or may hereafter be extended by law, shall be placed under the ground a distance of at least forty-five centimeters to the top of said pipes or mains. Between the settling tanks and intake and such aforesaid fire limits of the municipality the water pipes or mains may be placed above the ground, on the grantee's separate right of way, except where the same shall cross a street, thoroughfare, or public highway, in which case the same must be placed the aforesaid distance under said street, thoroughfare, or public highway. The construction and placing of water pipes and mains shall be done in a good and workmanlike manner in accordance with a plan which shall be previously approved by the engineer of the Moro Province; and whenever it shall become necessary to change the level of any portion of the same in order to avoid interference thereof with any public sewer or drain constructed or about to be constructed, the grantee herein shall forthwith change so much of said water pipes and mains as the engineer of the Moro Province shall in writing direct; and said grantee shall supply electric power, light, and water to any applicant for the same Power, light and water within thirty days after the date of his application, and, as between water-such applicant and other like applicants, in the order of the date of his application to the limit of the capacity of the plant of said grantee, to be determined by the engineer of the Moro Province on the application of such person or said grantee: and should the demand for electric power, light, and water 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, if the Philippine Commission or its successors shall so direct: *Provided*, That the distributing systems of feed wires and Distributing eys-water mains shall be constructed, placed and maintained, and operated only on streets, thoroughfares, and public places within the municipality designated by the engineer of the Moro Province with the approval of the legislative council: *Provided further*, That the point at which the electric light and power is to be supplied, as mentioned in this article, be not more than fifty meters from the main lines or feed wires maintained by said grantee: *And provided further*, That the grantee shall have the right to demand and collect an amount equal to the actual cost of labor and material in making connections for supplying electric light and power at distances exceeding fifty meters from any such main feed line or wire, but such amount shall be collected only for the excess distance over and above said fifty meters: *And provided further*, That the grantee in supplying water to applicants as above provided shall make all connections with the water mains maintained by said grantee and shall have the right to demand and collect therefor an amount equal to the actual cost of the labor and material involved in making such connection.

"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, thoroughfares, and public places; the water pipes and mains shall be placed, as hereinbefore stated, a distance of at least forty-five centimeters below the surface of the ground or street to the top of said pipes or mains, and when so placed along or across any street, thoroughfare, or public place shall be so placed and maintained as not in any manner to interfere with the free and unobstructed use of said underground wires, street, thoroughfare, or public place: *Provided*, That the grantee herein shall, whenever the Philippine Commission or its successors so direct, place said wires in underground pipes or conduits at its own expense and without any cost or damage to the municipality of Zamboanga, or the Government of the Moro Province, or of the Philippine Islands.

"ART. 4. Whenever it shall be necessary in the erection of poles or the laying of pipes or mains to take up any portion of the sidewalks or dig up the ground in any street or near the sides or corners of the streets or thoroughfares, or in any public place, then the said grantee shall, after said poles and pipes are erected and placed, without delay, replace said sidewalks and ground in a neat, workmanlike manner and remove from said sidewalks, streets, and thoroughfares, or public places all rubbish, sand and dirt, or other material which may have been placed there, taken up, or dug up in the erection of said poles, the placing or laying of pipes or mains, and shall put such sidewalk, street, thoroughfare, or public place in as good repair and condition as it was before it was taken up 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 engineer of the Moro Province, 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 when the same has been accomplished shall replace such wires in a good and workmanlike manner. Such notice shall be a notification to said grantee from said engineer in writing, stating and directing the work to be performed by the said grantee in and about such raising or removal and replacing of such wires and shall be 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 engineer of the Moro Province shall raise or remove and replace such wires at the expense of said grantee, for the purpose aforesaid.