

**TRANSLATION OF THE RAILROAD LAWS
AND REGULATIONS IN FORCE IN THE
PHILIPPINES:
INCLUDING THE POLICE LAW OF
RAILWAYS AND OTHER PROVISIONS OF
A SIMILAR CHARACTER; PP.3-67**

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Translation of the Railroad Laws and Regulations in Force in the Philippines: Including the Police law of railways and other provisions of a similar character; pp.3-67 by Various

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Railways, Philippine Islands.

TRANSLATION

OF THE

Railroad Laws and Regulations in Force in the Philippines,

INCLUDING

**THE POLICE LAW OF RAILWAYS AND OTHER PROVISIONS
OF A SIMILAR CHARACTER.**

**WAR DEPARTMENT,
DIVISION OF CUSTOMS AND INSULAR AFFAIRS.**

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RAILWAY LAWS OF THE PHILIPPINE ISLANDS.

LAW OF JUNE 3, 1855.

CHAPTER I.

CLASSIFICATION OF RAILWAYS.

ARTICLE 1. Railways shall be divided into lines of general service and of private service.

ART. 2. Among the lines of general service those starting from Madrid and terminating at the coast or frontiers of the kingdom shall be classified as of the first class.

ART. 3. All railway lines of general service are of public ownership, and shall be considered as works of public utility.

CHAPTER II.

THE CONCESSION OR AUTHORITY TO CONSTRUCT RAILWAYS.

ART. 4. Lines of general service may be constructed by the Government, and, in its absence, by individuals or companies.

ART. 5. In order that the Government may undertake the construction of a line with the funds of the State, of the provinces, or of the towns, it must be authorized by a law.

ART. 6. Individuals or companies can not construct any line whatsoever, either of general or private service, if a concession for the same has not been previously obtained.

ART. 7. This concession shall always be granted by a law.

ART. 8. The construction of lines of general service may be aided with public funds:

1. By performing therewith specified works.

2. By paying to the companies, at stated periods, a part of the capital invested, recognizing as the highest limit of said capital that estimated.

3. By insuring to the capital invested a minimum interest or a fixed interest, as agreed upon and determined in the law of each concession.

ART. 9. The provinces and the towns directly interested in the construction of the line shall contribute with the State to the subsidy or payment of interest in the proportion and in the manner prescribed in the law of concession.

ART. 10. The maximum amount of the subsidy or interest which is to be given the constructing company being determined by the law of the concession, the concession shall be offered at public auction, under the terms prescribed, for three months, and shall be awarded to the highest bidder, with the obligation to pay to the proper person the cost of the plans of the project which may have served as a basis for the concession, which amount must be fixed before making the public sale in the cases and in the manner determined by the regulations.

ART. 11. In order to take part in the public auctions it must be shown that there has been deposited as a guaranty of the proposals which may be submitted, an amount which equals 1 per cent of the total value of the railway, according to the approved estimate.

ART. 12. In no case shall titles of concession be issued for lines of general service until the concessioner shows he has deposited as a guaranty of his obligations 5 per cent of the amount of the estimate of the works, if the concession is subsidized, and 3 per cent otherwise.

If the concessioner allows fifteen days to pass without making this deposit, the award shall be declared null, with the forfeiture of the bond given, and the concession of the line shall again be offered at auction for forty days, if it be of those issued by awards.

ART. 13. The companies holding concessions may dispose of the amount which they may have deposited as a guaranty for the construction of the railway, in proportion as they show that they have performed sufficient labor to cover said amount, the works of the railway remaining specially mortgaged for the amounts returned, in the place of said guaranty.

ART. 14. The concession for lines of general service shall be granted for a period not to exceed ninety-nine years.

ART. 15. Upon the expiration of the term of the concession the State shall acquire the line granted, with all its dependencies, and shall fully enjoy the right of operation.

CHAPTER III.

FORMALITIES WITH WHICH THE AUTHORIZATION OR CONCESSION SHOULD BE REQUESTED.

ART. 16. When the Government shall consider it proper to construct a railway line with public funds, it shall present to the Cortes, with the project of a law of authorization, the following documents:

1. A report descriptive of the project.
2. A general plan, with longitudinal and transverse profiles.
3. An estimate of the cost of construction and the annual cost of the repairs and maintenance of the line.

4. An estimate of the cost of the material necessary for the operation and the annual cost of its repair and maintenance.

5. A schedule of the highest rates to be demanded for fares and transportation.

6. A report, in which are heard the depositions of the provinces interested in the construction, and the persons and corporations which, in the judgment of the Government, can throw light on the subject, showing the utility of the plan.

This report as to utility is not necessary with regard to the lines classified as of the first class in this law.

ART. 17. The individuals or companies who desire a concession for a railway line shall address their petition to the Government, and must present therewith the documents mentioned in the foregoing article, except the report prescribed in paragraph 6, which should be prepared by the Government, and must also show that there has been deposited as a guaranty of the proposals they may submit or admit in the course of the proceedings, 1 per cent of the total estimated cost of the works and operating material of the line.

ART. 18. The plan being approved and the conditions of the concessions being mutually accepted, the Government shall present to the Cortes the proper form of law, together with the documents mentioned in article 16, in accordance with the provisions of article 7.

CHAPTER IV.

PRIVILEGES AND GENERAL EXEMPTIONS GRANTED TO COMPANIES HOLDING CONCESSIONS.

ART. 19. Foreign capital employed in the construction of railways or in loans for this purpose shall be under the protection of the State and is exempt from reprisals, confiscations, or attachments by reason of war.

ART. 20. The following shall at once be granted to all railway companies:

1. The public lands which the road and its appurtenances may have to occupy.

2. The rights which the inhabitants of the districts through which the line passes have to cut timber, to pasture, and other rights, shall be enjoyed by the employees and laborers of the companies and for the care of the draft animals employed on its works.

3. The right to open quarries, gather loose stone, construct lime, chalk, and brick kilns, to deposit material and establish workshops to work the same on lands adjoining the lines.

If these be public lands, the right shall be exercised after giving previous notice to the local authority; but if it should be private property it can not be used without first advising the owner or his

representative through the mayor of the territory, and after formally binding themselves to indemnify the owner for all losses and damages thereby caused.

4. The exclusive right to collect, while the concession lasts and according to the schedules approved, the rates charged for passengers and freight, without prejudice to those belonging to other companies.

5. The equivalent of such rates and charges shall be fixed with regard to the construction companies in the law of the concession of the line. And with regard to the operating companies the Government shall fix them annually, observing the procedure established in the regulations.

6. The exemption from mortgage fees now due and which shall hereafter become due for the transfer of ownership made by virtue of the law of eminent domain.

CHAPTER V.

FORFEITURE OF CONCESSIONS.

ART. 21. Whenever a forfeiture of a concession is definitely declared, the amount of the guaranty which may have been demanded of the concessioner shall be kept for the benefit of the State.

ART. 22. Railway concessions shall be forfeited if the work is not begun, or if the line or sections into which it is divided are not concluded within the periods fixed therein, excepting cases of force majeure.

When any of these cases should occur, and it is duly proven, the Government may extend the periods granted for the time absolutely necessary; but at the conclusion of the extension the concession shall be forfeited, if within said period what may have been stipulated is not accomplished.

ART. 23. The concession shall also be forfeited if the public service of the line should be totally or partially interrupted through the fault of the company in the case foreseen in article 39.

ART. 24. From the decision of the Government declaring the forfeiture, the concessioner may appeal, through administrative litigation, within the period of two months, counted from the day on which he may have been advised thereof.

If he should not appeal within this period, the resolution of the Government shall be considered as accepted, and no appeal shall lie therefrom.

ART. 25. When forfeiture is definitely declared, the annulled concession shall be offered at public auction.